



WEB COPY



W.P.No.31270 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.31270 of 2014

and

M.P.No.1 of 2014

E.Kamalraj

... Petitioner

-VS-

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

2.The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the second respondent herein in his impugned proceeding No.SCT5/6399/2006/GA dated 12.11.2010 and quash the same and consequently, direct the respondents to appoint the petitioner on compassionate ground in Class IV service.



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For petitioner : Mr.C.Prabakaran

For respondents : Mr.Niranjan Rajagopalan

ORDER

The above writ petition is filed challenging the order dated 12.11.2010 passed by the second respondent, in and by which, the second respondent had rejected the petitioner's request for compassionate appointment.

2. The petitioner's father was a Mazdoor in the Traffic Department with the Chennai Port Trust. From 03.10.1990, he had gone missing and despite their best efforts, they were unable to trace him. Since the petitioner's father was the sole breadwinner, his disappearance had put the entire family into financial stress. Therefore, the petitioner, being the eldest son, who was aged about 10 years when his father had gone missing, immediately after attaining the age of majority, made a representation to the first respondent seeking compassionate appointment. The petitioner was



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placed in the waiting list and assigned D.R.No.2449.

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3. Seven years after his father could not be traced, the petitioner's mother had filed a suit in O.S.No.582 of 1998, on the file of the XVI Assistant City Civil Court, Chennai, to declare the petitioner's father, Ex-Mazdoor, Staff No.3543, Gang No.53 of Madras Port Trust, Madras, as dead. The said suit was decreed by judgment and decree dated 07.12.1998.

4. The petitioner would submit that while he was waiting for compassionate appointment, two persons who were juniors to him had been given compassionate appointment and by the impugned order, the second respondent had rejected the petitioner's request for compassionate appointment. The compassionate appointment was rejected on the ground that the petitioner had received a compensation of Rs.4,90,000/- in lieu of compassionate appointment.



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5. The petitioner would submit that he had received the compensation amount under the impression that there was no possibility of securing compassionate appointment and therefore, he had received the solatium in lieu of compassionate appointment, but, only when his juniors had been given compassionate appointment, the petitioner came to realise that he was entitled to the said relief and therefore, he was ready to return the amount which was paid as compensation. The petitioner would submit that he had waited for almost 24 years for compassionate appointment.

6. Heard the learned counsel on either side and perused the materials available on record.

7. The respondents had produced a copy of the cheque received by the petitioner and his family members and the bond that they had executed in favour of the respondents' Port Trust, in and by which, they had stated that they are willing to receive the compensation amount in lieu of compassionate appointment. The



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bond has been signed by the petitioner, his mother *viz.*, Uma and his brother *viz.*, Saravanan. In the counter affidavit, it has been stated that the petitioner and his family members had received the money in lieu of compassionate appointment and the petitioner has also given an Indemnity Bond declaring that he and his family members will not claim compassionate appointment in future in the respondents' Port Trust. Having executed this bond, nearly after 12 years, this writ petition has been filed by the petitioner for compassionate appointment.

8. After receiving the compensation and giving the indemnity bond, the present writ petition is totally misconceived and therefore, it is liable to be dismissed.

Accordingly, this writ petition stands dismissed. Consequently, connected M.P. stands closed. No costs.

02.07.2024



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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
ssa

To

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

2.The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.



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P.T.ASHA, J.,

ssa

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