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W.P.No.23504 of 2014,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.23504 of 2014

S.Ramesh

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai-600108.

2.The Assistant Director,
Khadi and Village Industries,
Trichy-1.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Call for the entire records connected with the proceedings of the 1st respondent in Na.Ka. No.21969/ E2(1)/ 2013 dated 03.01.2014 and quash the same consequently direct the respondents to provide a suitable job to the petitioner on compassionate ground within a time frame that may be fixed by this Honourable Court.



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For Petitioner : M/s.K.Thilageswaran
For Respondents :
(for R2) : M/s.V.Jeevagiridharan, AGP
(for R1) : No Appearance -served

ORDER

The petitioner is before this Court challenging the dismissal of his request for compassionate appointment.

2. The petitioner's father one K.Selvaraju was working as a worker in the respondent's Hand Made Paper Unit at Olaipaidi, Permbalur Taluk, Trichirapalli District. Along with 14 other Units, the Unit in which the petitioner's father was working was also closed and the petitioner's father and others were terminated. They had therefore raised a dispute before the Industrial Tribunal, Chennai in I.D.No.100 of 2000. Ultimately, by an order dated 10.05.2006 the Tribunal was pleased to hold the closure of the Unit as illegal and a violation of the provisions of Section 25-O of the Industrial Dispute Act.



3. Challenging the said award, the respondents had filed a writ petition and during the pendency of the writ petition, the respondents had given effect to a part of the award by accommodating 178 workers in other Units. However, the petitioner's father and some other employees were not reinstated. On 19.04.2013, the writ petition filed by the respondents against the award of the Tribunal was dismissed.

4. Thereafter, the 2nd respondent by his proceedings dated 30.06.2010 had ordered reinstatement of the petitioner's father and others. Since the petitioner's father passed away on 07.09.2008, the same could not be given effect to. By reason of the closure, the petitioner would submit that his father had suffered untold mental agony and pressure and after his death, the family was put into strained financial conditions. Therefore, the petitioner had applied for compassionate appointment to the 2nd respondent.

5. The 2nd respondent in turn had forwarded the application to the 1st respondent who had rejected the same on the ground that the



petitioner's father was not a direct employee of Tamilnadu Khadi and Village Industries.

6. The petitioner would submit that the refusal of his compassionate appointment, on the ground that his father was not a direct employee of Tamilnadu Khadi and Village Industries is unjust and unlawful, especially considering that other employees who worked with his father were reinstated in different Units of the Tamilnadu Khadi and Village Industries. Therefore, he has come forward with the Writ Petition in question.

7. When the matter had come up on account of the efflux of time, this Court had directed the petitioner to file an affidavit giving details as to how he was employed from the year 2008, the number of members in his family, his children, the educational details of his children and the details of his sister.

8. An affidavit has been filed by the petitioner wherein he would submit that his father, mother and grandparents had passed



away and he and his sister, Rama are the only surviving legal heirs of his father. His sister is married. The petitioner would submit that in 2001 he had obtained a Diploma in Cooperative Management and in 2015 he had obtained B.A.Degree in Tamil Language through distance education and thereafter B.Ed from the Venkateshwara College. He would submit that now he is employed as a temporary Supervisor in the Varadh Vikash Public School and earning monthly income of Rs.12,000/-. He would also submit that he is married and his wife is also working as a teacher in a Ravi Nursery and Primary School, Veppur and earning a monthly income of Rs.5,000/-. They are blessed with three children two daughters and a son.

9. A perusal of this affidavit would clearly show that the petitioner is not in a state of financial distress. That apart, the petitioner's father himself was without work from the year 1999 till his death on 07.09.2008.

10. Therefore, from the date of the closure of the Unit till the application made by the petitioner for compassionate appointment,



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the family has successfully tided over their period of distress. As has been held time and again compassionate appointment, as its nomenclature indicates, is a method by which a family of a Government Servant who had died in harness is provided employment to tide over their financial distress into which they are thrown on account of the death of the breadwinner. Compassionate appointment by itself is a backdoor entry and therefore the grant of such appointment should be made with a great deal of circumspection.

11. The petitioner and his wife are admittedly employed and therefore the petitioner is not entitled to claim compassionate appointment. The impugned order passed by the 1st respondent is justified and does not require re-consideration.

12. Accordingly, the Writ Petition is dismissed. No costs.

22.07.2024

(shr)
Index : Yes/No



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Speaking Order: Yes/No
Neutral Citation : Yes/No

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P.T. ASHA. J.,

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