



W.P.No.19368 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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Krishnasamy

...Petitioner

-Vs-

1. Inspector General of Registration,
Office of Inspector General of Registration,
Chennai – 28.

2. The District Registrar,
Office of District Registrar,
Palayamkottai,
Tirunelveli District.

3. The Sub Registrar Office,
Kadampur,
Thoothukudi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the entire records pursuant to the impugned order dated 24.07.2019 vide No.18356/K2/2019 on the file of the first respondent and quash the same and consequently appointing the petitioner in the suitable post on the compassionate ground and pass such further orders.



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For Petitioner : Mr.M.Mariappan
For Respondents : Mr.P.Harish
Government Advocate

ORDER

This writ petition has been filed seeking to quash the impugned order passed by the first respondent vide No.18356/K2/2019 dated 24.07.2019 and consequently appointing the petitioner in the suitable post on the compassionate ground.

2. The case of the petitioner is as follows:

2.1 The petitioner's father, Muniyasamy died during the course of his employment on 18.11.2014, while he was working as an Assistant under the third respondent. The petitioner's father died leaving behind his mother, petitioner and his two brothers. After the demise of his father, his mother had sustained various ailments, for which she had taken medical treatment. In order to meet out the medical expenses, petitioner and his brothers borrowed money from known persons for interest and were financially suffered and in the aforesaid circumstances, the petitioner's mother died on 11.01.2019.



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2.2 After sudden demise of his father on 18.11.2014, the petitioner's family was facing difficulties to run the family. Therefore, the petitioner made a representation to respondents 1 and 2 seeking for compassionate appointment. In his representation, he had enclosed the legal certificate along with no objection affidavit from his brothers for getting the compassionate appointment for him. After receiving his representation, the first respondent had passed the impugned order dated 24.07.2019 vide No.18356/K2/209 on the ground that after the death of 3 years of his father, the application for compassionate appointment was applied. Hence, the present writ petition is filed.

3. Learned counsel appearing for the petitioner submitted that the father of the petitioner died during the course of his employment on 18.11.2014 while he was working as an Assistant under the third respondent. Thereafter, an application or representation submitted by the petitioner for compassionate appointment to the first respondent in the year 2019, i.e., after a delay of 4 ½ years from the date of death of the deceased employee / father of the petitioner.



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4. A counter was filed on behalf of the respondents dated 16.09.2021.

5. Learned Government Advocate appearing for the respondents submitted that as per G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020, appointment on compassionate grounds can be granted to the legal heirs of the deceased Government Servants only when the Government Servant dies during the course of his service and there is no provision to grant compassionate appointment while the Government Servant is under suspension and dies after the age of superannuation.

6. Learned Government Advocate further submitted that as per Section 20(6)(b) of the Tamil Nadu Government Servants (Conditions of Services) Rules, 2016, application seeking appointment on compassionate grounds has to be submitted within three years from the date of death of Government Servant. But in the present case, the petitioner submitted his application on 16.04.2019 in the office of the District Registrar, Palayamkottai, seeking appointment on compassionate ground, i.e., after 4 ½ years that too, when the Government Servant died after reaching the age of superannuation, he was kept under suspension and was not permitted to



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retire on attaining superannuation. Hence, the petitioner's application was rejected vide proceedings of the first respondent dated 24.07.2019.

7. Heard both sides and perused the materials available on record.

8. In the case on hand, the father of the petitioner died during the course of his employment on 18.11.2014, while he was working as an Assistant under the third respondent. Thereafter, an application or representation submitted by the petitioner for appointment on compassionate ground to the first respondent on 16.04.2019, i.e., nearly after a delay of 4 ½ years from the date of death of his father, i.e. on 18.11.2014.

9. As per Section 20(6)(b) of the Tamil Nadu Government Servants (Conditions of Services) Rules, 2016, application seeking appointment on compassionate grounds has to be submitted within three years from the date of death of Government Servant. But in the present case, there is a delay of 4 ½ years. It is further noted that as per G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020, there is no provision to grant compassionate appointment while the Government Servant is under suspension and dies after the age of superannuation. But in the instant case,



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the petitioner's father died after reaching the age of superannuation and he was kept under suspension and also not permitted to retire on attaining superannuation.

10. Taking into consideration the above facts and circumstances of the case, this Court is not inclined to interfere with the impugned order passed by the first respondent vide No.18356/K2/2019 dated 24.07.2019 is liable to be confirmed and the same is accordingly confirmed.

11. In the result, the writ petition stands dismissed with the above observations. No costs.

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Index : Yes / No

Speaking/Non Speaking order



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