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Writ Appeal No.2645 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal No.2645 of 2021

S.Aravindan

... Appellant

Vs

1.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 006.

2.The Director of Elementary Education,
College Road, DPI Compound,
Chennai – 600 006.

3.The Chief Educational Officer,
Ranipet, Ranipet District.

4.The Block Education Officer,
Block Education Office,
Nemili – 631 051, Ranipet District.

... Respondents

PRAYER: Writ Appeal has been filed under Clause 15 of Letter Patent against the order dated 23032021 made in W.P.No.7468 of 2021.

For Appellant : Mr.K.Sukumaran



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for Mr.K.R.Gunashekar

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For Respondents : Mr.J.C.Durairaj
Additional Government Pleader

JUDGMENT

(Judgement of the Court was made by Mr.R.SURESH KUMAR.,J.)

This intra court appeal had been preferred by the unsuccessful Writ Petitioner whose claim for compassionate appointment has been re-jected by the third respondent herein which was affirmed by the learned Single Judge.

2.Heard Mr.K.Sukumaran, learned counsel for Mr.K.R.Gunashekar, learned counsel for the appellant and Mr.J.C.Durairaj, learned Additional Government Pleader for the respondents.

3. From the facts that have been stated so far before us, it could be seen that the father of the appellant had died in harness on 24.09.2003. Admittedly, at the time of the death of the appellant's father, the appellant was minor and he had attained majority only in the year 2012. Even though,



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the request of the appellant's mother, which has been made within the stipulated period of 3 years was rejected by the fourth respondent vide his proceedings, dated 20.07.2006 the same had not been agitated thereafter. The appellant had made his application on 04.06.2012 which is beyond the time limit prescribed in the scheme of compassionate appointment.

4. The scheme of compassionate appointment as has been reiterated by the Hon'ble Apex Court as well as this Court is only to weed out the immediate penurious circumstances in which the family of the deceased employee could be put in great hardship.

5. Admittedly in this case, the father of the appellant had died in harness in the year 2003 and even though, the initial claim made by the mother of the appellant had been rejected as early as in the year 2006, the same has not been agitated further, nor she had made a request seeking for compassionate appointment for herself, if no other person was eligible to be considered. Since the application itself has been belatedly made, we do not find any infirmity or illegality in the order passed by the learned Single



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Judge warranting interference by this court.

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6. In fine, this Writ Appeal fails and is accordingly dismissed.

However, there shall be no order as to cost. Consequently connected miscellaneous petition is closed.

(R.S.K.,J.) (K.B., J.)
11.03.2024

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

gba

To

- 1.The Principal Secretary to Government,
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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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