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W.P.No.25584 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.25584 of 2021

A.Akash

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Petitioners

/vs/

1. The Principal Director,
State Highways, Chennai – 25.

2. The Superintending Engineer,
State Highways,
Construction and Maintenance,
Tiruppur, Tiruppur District.

3. The Divisional Engineer,
(State Highways)
Construction and Maintenance,
Erode, Erode District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the third respondent in his proceedings Ku.No.715/2015/A5 dated 26.10.2021 and quash the same and consequently direct the respondents to appoint the petitioner as compassionate appointment in the third respondent department.



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For Petitioner ... Mr.C.Prakasam

For Respondents ... Mr.V.P.R.Elamparuthi
Additional Govt. Pleader

ORDER

The petitioner has filed this writ petition challenging the order passed by the third respondent in his proceedings in Ku.No.715/2015/A5 dated 26.10.2021 and to direct the respondents to appoint the petitioner under compassionate appointment in the third respondent department.

2. The petitioner is the son of the deceased Government Servant by name Anburose who was working as Salai Paniyalar (Road Employee) in State Highways Department. After the demise of his father, the petitioner had filed an application before the respondents for seeking an appointment on compassionate grounds. His appointment was rejected on the ground that he did not have the qualifying age of 18 years. When the petitioner had applied once again after he attained majority, his application was rejected by stating that no application has been filed within a period of three years from the date of death of his father.



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3. Mr.C.Prakasam, the learned counsel for the petitioner, submitted that the mother of the petitioner did not have proper knowledge about the compassionate appointment and she thought that the application for her son can be made only after he reaches the age of 18 years; the petitioner who is the only son of the deceased Government Servant was also a minor and they did not have the required guidance to submit an application immediately after the death of Anburose.

4. Mr.V.P.R.Elamparuthi, the learned Additional Government Pleader for the respondents, submitted that at the time of death of Anburose, his wife was qualified to apply for compassionate course but she did not come forward; as the family members of the deceased was waiting until the applicant reaches 18 years, the limitation of three years got exhausted; since the compassionate appointment scheme contemplates that application for compassionate appointment should be preferred within a period of three years from the date of death of the Government Servant and also that the applicant should have been above 18 years, the respondents have rightly rejected the application.



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5. It is learnt that the petitioner's mother is unemployed and the deceased Anburose had left his wife, mother and his son as his only legal heirs. The wife of the deceased Anburose had the huge responsibility of maintaining the family including his aged mother. So it is needless to state that the family of Anburose would have been suffering with debts and hardship.

6. The very object of compassionate appointment scheme is to save the family of the deceased Government Servant from penury and exploitation. Since the wife of Amburose thought that it is the petitioner who can be the best option in the family to apply for a job on compassionate ground, out of ignorance, she waited until the petitioner attained majority.

7. Technically, an application has to be filed by the petitioner himself immediately after the demise of his father. The respondent authorities could have kept it pending instead of rejecting it by quoting the reason that the petitioner was a minor. There are several instances where such type of



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applications are kept pending for years and they are taken up for consideration after the applicant / dependant child had attained the majority. Hence, I feel in realising the object and spirit of the compassionate scheme, the respondents shall be benevolent and reconsider the application of the petitioner and pass an order afresh.

8. In view of the reasons stated above, this Writ Petition is allowed and the order passed by the third respondent in his proceedings Ku.No.715/2015/A5 dated 26.10.2021 is hereby quashed and the respondents are directed to consider and pass a fresh order on the application of the petitioner for compassionate appointment, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

31.01.2024

Index: Yes / No
Speaking order / Non-speaking order
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R.N.MANJULA ,J.

bkn

To:

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Construction and Maintenance,
Tiruppur, Tiruppur District.
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