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W.P.No.27142 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27142 of 2024
and W.M.P.No.29652 of 2024

R.Kanagavalli

.. Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Secretary, Home Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Director General of Police,
Greater Chennai Police, Mylapore,
Chennai – 600 004.

3.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai Metropolitan Police,
Chennai – 600 007.

.. 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 impugned orders dated 27.02.2023 bearing Reference No.96/65403/2022 and order dated 18.03.2023 bearing reference number 94/65403/2022 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to consider and grant the petitioner with a compassionate appointment in a job which will suit her educational qualifications after due process of recruitment.

For petitioner : Mr.Leelesh Sundaram.B



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for M/s.Nathan and Associates

For Respondents : Mr.K.Tamilvendan
Government Advocate

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 27.02.2023 and 18.03.2023 and for a consequential direction to the 3rd respondent to grant the petitioner compassionate appointment considering her educational qualifications.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3.The case of the petitioner is that her father was working as a Junior Assistant in the Chennai Metropolitan Police Department. He died in harness on 10.08.1996. He left behind the petitioner, her mother and elder brother as his legal heirs. At the relevant point of time, the petitioner was aged 9 years and her brother was aged about 14 years.

4.The mother of the petitioner made a representation to the 3rd respondent on 24.10.1996 seeking for compassionate appointment to the brother of the petitioner. The same was not considered since at the relevant point of time, the petitioner's brother was a minor.



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5.After the petitioner attained majority, the petitioner made a representation seeking for compassionate appointment. The same was rejected by the 3rd respondent and aggrieved by the same, the present writ petition has been filed before this Court.

6.The case in hand is squarely covered by the earlier Full Bench judgment of this Court in **Nandini Devi Vs. Secretary to Government** in **W.P.(MD).No.7016 of 2011** dated **11.03.2020** which was subsequently followed by the Division Bench of this Court in the case of **Tamil Nadu State Transport Corporation (Madurai) Ltd., and another Vs. S.Azarutheen** in **W.A.(MD).No.120 of 2021** dated **03.08.2022**. The relevant portions in the judgment of the Division Bench are extracted hereunder:

“3.It is represented by the learned counsel appearing on either side that the application was submitted by the minor after attaining majority. However, it is not disputed that the application is belated in the sense that the application filed or renewed by the minor did not attain majority within a period of three years from the date of death of the deceased employee.

4.Though there were different views earlier a Full Bench of this Court considered this aspect in extenso and held that such application beyond



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three years which do not fall within the scheme for compassionate appointment cannot be considered. In the case of [Nandini Dev vs. Secretary to Government](#) in W.P. (MD) Nos.7016 of 2011 and batch of cases, disposed of by judgment dated 11.03.2020 similar issue arose for consideration. While answering the following reference,

“Whether the view taken in A.Kamatchi's case holding that an application for compassionate appointment made even beyond three years of the death of the deceased needs consideration, is the correct law or the judgment of the Division Bench in N.Renugadevi's case, where a contradictory view has been taken, is the correct law?”

the Full Bench has considered the issue in detail and held as follows:

.....
.....

7.It is brought to our notice a few judgments to support the view of the Writ Petitioner that the minor is entitled to seek appointment upon attaining majority, even if the application is beyond the period of three years, after the death of the deceased employee. The Full Bench has considered all these aspects and approved the judgment of the Division Bench in the case of [E.Ramasamy Vs. Tamil Nadu Electricity Board](#), W.A.Nos.336 of 2003, 997 of 2006 and 1006 of 2006, dated 18.09.2006. It is held that the appointment on compassionate ground has to be strictly followed in accordance with the relevant G.Os or the scheme that has been framed by the employer and any deviation is not permissible.



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8.A submission was made by the learned counsel to the effect that the Full Bench judgment came after the application was considered by the appellants and that therefore it will have no application to the case of the writ petitioner. The said submission has no merit.”

7.In the light of the above judgments, the impugned proceedings of the 3rd respondent cannot be interfered with. The petitioner had made a representation after she attained majority and the earlier representation for compassionate appointment was made by the mother of the petitioner for the petitioner's elder brother. The father of the petitioner had died in the year 1996. In view of the same, the relief sought for by the petitioner cannot be granted by this Court.

8.Accordingly, this Writ Petition stands dismissed. Consequently the connected Miscellaneous Petition is closed. No costs.

19.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

N.ANAND VENKATESH, J.

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To

- 1.The State of Tamilnadu,
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