



W.A(MD)No.873 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

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P.Amsavalli

... Appellant/Petitioner

Vs.

- 1 The Commissioner and Secretary to Government,
Revenue Department,
Fort. St. George,
Chennai - 600 009.
- 2 The Commissioner of Revenue,
Administration,, Chepauk,
Chennai - 600 009.
- 3 The District Collector,
Karur District, Karur.
- 4 The Revenue Divisional Officer,
Kuzhithalai, Karur District.
- 5 The Tahsildar,
Kuzhthalai Taluk, Karur District. ... Respondent/Respondents.

PRAYER : Appeal filed under Clause 15 of the Letters Patent Act, against the order made in W.P(MD)No.10838 of 2016, dated 21.01.2021.

For Appellant :Mr.P.T.Ramesh Raja
For Respondents :Mr.S.P.Maharajan,
Special Government Pleader



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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This writ appeal has been filed by the appellant challenging the order of the Writ Court made in W.P(MD)No.10838 of 2016, dated 21.01.2021.

2. The case of the appellant is that her father, while he was working as a Village Assistant in the respondent Department at T.Idayapati Village, died on 06.02.2003, leaving behind the appellant, her mother and her sister as legal heirs. Immediately thereafter, the appellant's mother has made a representation to the respondents 3 and 4, seeking for compassionate appointment. For which, the fourth respondent vide letter, dated 06.09.2003, directed the appellant's mother to submit the educational certificates and no objection from the other legal heirs and thereafter, the fourth respondent has informed that due to the ban, the said request could not be considered and the same will be considered after lifting of ban. Thereafter, there is no response. Subsequently, in the year 2016, the appellant made a representation before the District Collector, Karur. In response, the District Collector informed that the appellant got married prior to the death of her father and therefore, her request cannot be considered. Challenging the same, the appellant has filed the writ petition stating that as per G.O.Ms.No.165, Labour and Employment (Q2)



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Department, dated 30.08.2010 and G.O.Ms.No.18, Labour and Employment

(Q1) Department, dated 23.01.2020, a married daughter is also entitled for compassionate appointment, if she is otherwise eligible.

3. However, the said contention of the appellant/writ petitioner has not been considered by the learned Single Judge by relying on the decision in **W.A.No.3899 of 2019(P.Poongodi vs. the Chairman, TANGEDCO, Chennai and another), dated 11.03.2020**, for the reason that the writ petitioner has approached the authorities belatedly and there is no proof to show that the writ petitioner's family is in penurious condition. Aggrieved by the said order of the learned Single Judge, the appellant has filed this writ appeal.

4. The learned counsel appearing for the appellant would contend that the father of the appellant died on 06.02.2003 and immediately thereafter, the appellant's mother submitted an application seeking compassionate appointment even in the year 2003 and thereafter, in the year 2016, the appellant submitted an application in the place of her mother and therefore, under G.O.Ms.18, dated 23.01.2020, the application submitted by the appellant can be entertained for providing compassionate appointment.



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5. Heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the respondents and perused the materials placed before this Court.

6. The purpose of providing compassionate appointment to the legal heirs of the deceased employee is only to render financial assistance to the family members of the deceased employee and to mitigate the hardship of the family which has arisen due to the death of the employee and therefore, such appointment has to be provided immediately.

7. However, in the present case, the father of the appellant died on 06.02.2003 and immediately thereafter, the appellant's father made an application in the year 2003 and subsequently, after a period of twelve years, the appellant made an application in the year 2016 in the place of her mother. As per G.O.Ms.No.18, dated 23.01.2020, there is no such provision available for alternative application, wherein it is clearly stated that such alternative application can be entertained only in case where the applicant/legal heir of the deceased died after applying for compassionate appointment. Further, the appellant got married before the death of her father/deceased employee and there is no proof that her family is in penurious condition and therefore, on that ground, the appellant is not entitled for compassionate appointment.



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8. In the decision of the Hon'ble Supreme Court in the Government of India and Ors. vs. P.Venkatesh in Civil Appeal Nos.2425 of 2019, dated 01.03.2019, it is clearly held that after a lapse of considerable period, the application for compassionate appointment cannot be considered, which is contrary to the Scheme.

9. In the case on hand, the appellant's mother has made an application in the year 2003 and kept silence for a period of twelve years and thereafter, the appellant has made the application in the year 2016.

10. Therefore, we are of the view that there is no ground for considering the application made by the appellant after a period of 12 years from the date of death of her father and the said the application is liable to be rejected on the ground of delay and laches and the same has been rightly rejected by the third respondent and the same is confirmed by the learned Single Judge. Therefore, we are not inclined to interfere with the order passed by the learned Single Judge.

11. In the result, this writ appeal stands dismissed. No Costs.

[D.K.K., J.]

[R.V., J.]

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Neutral Citation: Yes / No
Index : Yes / No
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