



W.A.(MD) No.721 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD).No.721 of 2018
and
C.M.P.(MD).No.4203 of 2018

J.Rajasekara Pandian

.. Appellant

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary to Government,
Co-operative Food and Consumer Protection Department,
Fort St. George,
Chennai -9.
- 2.The Registrar of Co-operative Societies,
E.V.N.Maaligai,
Poonamalle High Road,
Kilpauk, Chennai 10.
- 3.The Joint Registrar of Co-operative Societies,
Sivagangai Region,
Sivagangai District.



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4.The Deputy Registrar of Co-operative Societies,
Public Distribution System (PDS),
Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 04.01.2013 passed in W.P.(MD)No.16004 of 2013.

For Appellant : Mr.G.Prabu Rajadurai

For Respondents : Mr.S.Kameswaran
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by N.SESHASAYEE. J.)

This appeal is preferred challenging the order of learned single Judge in W.P. (MD)No.16004 of 2013.

2.The issue relating to denial of compassionate appointment to the son of the Government servant, who died in harness. The learned single Judge rejected the same on the ground essentially of laches and also added that inasmuch as



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compassionate appointments are provided as an exception to Rule of equality under Article 16 essentially to secure the family of the deceased Government servant from destitution and indigency. The indigency contemplated must be immediate and imminent and cannot be carry forward in time infinitely.

3.The brief facts are on 04.02.2002, one Jeganathan, a Government servant working in the relevant time as a driver in the office of the third respondent had passed away. His widow submitted an application dated 10.07.2002, for compassionate appointment for her daughter. However, her daughter was soon married and hence, she preferred another application on behalf of the present appellant. This application was made on 02.11.2007 and it came to be rejected on 31.08.2010. A little over three years thereafter on 25.09.2013, the appellant challenge the order dated 31.08.2010 in W.P.(MD).No.16004 of 2013. As earlier outlined, this came to be rejected for reasons already indicated above. This order is now under challenge.

4.The learned counsel for the appellant submitted that even though an application was given as early as on 02.11.2007, the authorities took merely



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three years to take their decision on the issue and that cannot be counted against the appellant.

5. Interjecting the said argument, the learned Government Advocate submitted that the appellant was a BBA graduate, to say that he was facing indigency for 22 years now is a difficult proposition to believe.

6. The rival submissions are weighed and this Court has little hesitation in subscribing to the views expressed by the learned single Judge. What is not specifically dealt with in the learned single Judge order is that the qualification of the appellant on which the learned Government Advocate has placed reliance but it strengthen his case.

7. To say a BBA graduate could not seek profitable employment for 22 years does not seem to project the appellant's case positively. There is nothing to indicate that the family ever was in a state of indigency on the demise of the Government servant, and even if any such indigency at all was there, that it continues till date. No merit in the appeal. The Writ Appeal is accordingly



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dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(N.S.S., J.) (P.V.M., J.)
29.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

akv

To

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