



W.P.(MD).No.21785 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.21785 of 2022

and

W.M.P.(MD)No.15945 of 2022

R.O.Vignesh Babu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Public Works Department,
Fort St.George,
Chennai.

2.The Engineer-in-Chief, PWD/WRO.,
Public Works Department,
Chepauk,
Chennai – 600 005.

3.The Executive Engineer, PWD., W.R.O.,
E.T.S.Division,
PWD/WRO Office,
Karaikudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the third respondent letter No.76/2021-2022/E-2 dated 13.12.2021 and quash the same and subsequently directing the respondents to appoint the petitioner to the



W.P.(MD).No.21785 of 2022

post suitable under the respondent department on compassionate.

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For Petitioner : Mr.S.Arunnithy

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard Mr.S.Arunnithy, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

2. This Writ Petition has been filed seeking to quash the of the third respondent dated 13.12.2021 and subsequently directing the respondents to appoint the petitioner to the post suitable under the respondent department under compassionate scheme.

3. The petitioner's father who was working as a Draughting Officer in the respondent Department died on 09.03.2006 while in harness, leaving behind the petitioner, petitioner's sister and mother as legal heirs. During the year 2007, the mother of the petitioner has given an application seeking compassionate appointment to her daughter and



W.P.(MD).No.21785 of 2022

the same was returned on 20.03.2008 for want of annexing required documents.

4. Mr.S.Arunnithy, learned counsel for the petitioner, submitted that no action has been taken subsequent to the above application and hence, the petitioner has submitted an application in the year 2021 seeking compassionate appointment. But his application has been rejected stating that the application has been filed beyond 3 years. The petitioner claims that since his mother has submitted the application within the prescribed time, the application of the petitioner ought not to have been dismissed on the ground that the application was submitted beyond 3 years. Even the earlier application submitted by the mother of the petitioner was returned on 20.03.2008 for want of certain documents, but that was not pursued further by the petitioner's mother. All of a sudden, the petitioner in the year 2021 has filed a fresh application after the lapse of 13 years for claiming the benefit of compassionate appointment.

5. Even if the petitioner's application is considered as a substitution, that right ought to have been exercised within one year from



W.P.(MD).No.21785 of 2022

the date of the original application. It is the inaction on the part of the petitioner's family that no order has been passed in the earlier application filed by the petitioner's mother for seeking compassionate appointment to her daughter. So, it is not at the option of the petitioner that he can file an application at any point of time irrespective of the proceedings already taken and the inaction on the part of the petitioner's mother / sister. Hence, the impugned order of the third respondent in letter No. 76/2021-2022/E-2 dated 13.12.2021 has been rightly passed. Hence, I find no reasons for interference of the same.

6. In view of the above stated reasons, this Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.21785 of 2022

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W.P.(MD).No.21785 of 2022

R.N.MANJULA, J.

Nsr

W.P.(MD).No.21785 of 2022

11.06.2024