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W.P.(MD) No.15384 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.15384 of 2017

and

W.M.P.(MD) Nos.12190 & 12191 of 2017

K.Palaniraj

... Petitioner

-vs-

1.The State of Tamiln Nadu
Rep. by its Secretary
Municipal Administration
and Water Supply Department
Secretariat, Chennai – 9

2.The Commissioner of Municipal Administration
Ezhilagam Annexure
Chepauk, Chennai – 5

3.The Commissioner
Ramanathapuram Municipality
Ramanathapuram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent in his letter No.3829/NaPa.



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3/2017-2 dated 20.07.2017 confirming the order passed by the third respondent in his proceedings Na.Ka.No.6604/2016/C1 dated 10.01.2017 and quash the same as illegal and consequentially to direct the respondents to appoint the petitioner in any one of the post on compassionate ground commensurate to the qualification of the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

This writ petition has been filed challenging the order, dated 20.07.2017, passed by the first respondent confirming the order dated, 10.01.2017, passed by the third respondent.

2. Under the impugned orders, the petitioner's request for compassionate appointment has been rejected, on the ground that his family is not in indigent circumstances for getting compassionate appointment.



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3. The following are the undisputed facts:

- (a) The petitioner's father died on 15.07.2009, while he was in service and on the date of death, the petitioner was a minor aged 14 years.
- (b) The petitioner's mother submitted an application with the official respondents on 23.04.2010 seeking for compassionate appointment for her minor son (petitioner herein).
- (c) The petitioner attained the age of majority on 14.07.2012. However, he gave a representation to the official respondents only on 19.10.2016 seeking for compassionate appointment, which has been rejected under the impugned orders.

4. It is clear that even though the petitioner attained the age of majority on 14.07.2012 itself, he submitted an application with the official respondents seeking for compassionate appointment, based on the earlier application submitted by his mother, only on 19.10.2016 beyond the period of three years from 14.07.2012.



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5. Learned Government Advocate appearing for the official respondents has also placed on record the following authorities:

- (a) A decision of the Honourable Supreme Court in the case of ***Sanjay Kumar vs. State of Bihar and others***, reported in ***AIR 2000 SC 2782***.
- (b) A decision of the Honourable Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana***, reported in ***1994 SCC (4) 138***.

6. As seen from the aforesaid decisions, the Honourable Supreme Court has consistently held that compassionate appointment is intended to enable the family of the deceased employee to tide over the sudden crisis resulting due to the death of the sole breadwinner of the family, who had left the family in penury and without any means of livelihood and compassionate appointment cannot be granted after a lapse of a reasonable period. It has also been held that consideration for such employment is not a vested right, which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of



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the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

7. In the instant case, it is clear that there is an inordinate delay and laches on the part of the petitioner to seek for compassionate appointment. Even though he attained the age of majority on 14.07.2012 itself, but, he had chosen to submit his representation to the official respondents seeking for compassionate appointment only on 19.10.2016, based on his mother's earlier application dated 23.04.2010 seeking for compassionate appointment for him on the death of his father on 15.07.2009.

8. As held by the Honourable Supreme Court in the decisions referred to supra, it is clear that compassionate appointment cannot be granted after a lapse of a reasonable period. Since there is an inordinate delay on the part of the petitioner to seek for compassionate appointment and he has also chosen to submit a representation beyond the period of three years, from the date when he attained the age of majority, the question of entertaining this writ petition at this belated stage does not arise.



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9. In the result, there is no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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Municipal Administration
and Water Supply Department,
State of Tamil Nadu,
Secretariat, Chennai - 9.
- 2.The Commissioner of Municipal Administration,
Ezhilagam Annexure,
Chepauk, Chennai - 5.
- 3.The Commissioner,
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ABDUL QUDDHOSE, J.

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