



W.A.MD) No.1437 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A(MD)No.1437 of 2019

S.Nallarasu

... Appellant/
Petitioner

-Vs-

- 1.The Secretary to the Government,
Department of Revenue,
St.Fort George,
Chennai-600 009.
- 2.The District Collector,
Karur District,
Karur.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Karur.
- 4.The Tahsildar,
Aravakurichi Taluk,
Karur District.

Respondents/
Respondents



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PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 09.08.2018 made in W.P(MD)No.17684 of 2018 passed by this Court.

For Appellant : Mr.C.M.Mari Chelliah Prabhu
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

JUDGMENT

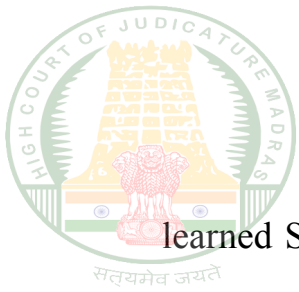
DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

This appeal is filed by the writ petitioner, being aggrieved by the dismissal of the writ petition for issuance of Mandamus to consider the application for compassionate appointment.

2.The appellant's father viz., Sathasivam, was working as Village Administrative Officer at Pungampadi Melapagam Village, while he was in service, died on 06.05.2007, leaving behind his two children viz., the writ petitioner and his elder sister. After attaining majority, an application for compassionate appointment for the petitioner was made on 27.06.2016. The learned Single Judge, taking note of the fact that there was a long gap of 20 years between the death and the application and dismissed the writ petition. The

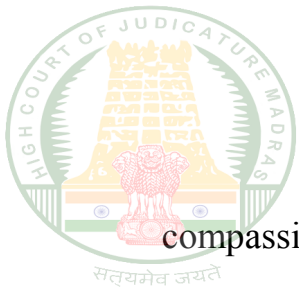


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learned Single Judge also taken note of the fact that the earlier application made for compassionate appointment by the sister of the writ petitioner was rejected on the ground that she had not attained majority.

3.The learned counsel appearing for the appellant primarily contended that the learned Single Judge failed to take note of the fact that the writ petitioner attained majority only on 26.08.2013 and he made an application for compassionate appointment on 27.06.2016 which is well within the period of 3 years. Therefore, under the scheme of compassionate appointment, the application ought not to have rejected by the authority and the learned Single Judge should have taken note of the fact that there was no delay in making the application. He would submit that under the wrong impression that there was 20 years delay in making the application, the writ petition been dismissed.

4.The learned Government Advocate appearing for the State would submit when the employee demised in the year 2007 his wife was fully eligible to seek compassionate appointment but she did not apply, which will indicate the family was not in any necessity of financial assistance. After few years, the elder daughter of the deceased made an application when she was hardly 14 year but later, she got married. The writ petitioner, who did not apply immediately for

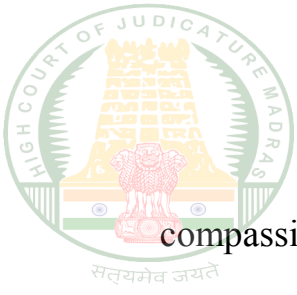


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compassionate appointment, waited for further 3 years and made an application on 27.06.2016. Considering the fact that the employee died on 06.05.2007 and the application for compassionate appointment was made on 27.06.2016, the request of the writ petitioner was not considered.

5.The learned counsel for the appellant would submit that the respondent as well as the learned Single Judge ought to have taken note of the earlier application made by the writ petitioner's sister on 14.07.2008 and also ought to have taken note of the fact that an application of the writ petitioner was made within 3 years from he attained majority.

6.This Court finds that though the submission of the appellant is substantially correct hower in view of the fact that the compassionate appointment is not a right conferred on the legal representative of the deceased Government employee and on the failure of the wife of the deceased not making any application for compassionate appointment immediately after the demise of the employee, when she was fully employed for compassionate appointment is to be taken note. The conduct of the appellant would only lead to infer that soon after the death of the employee his family was not in dire need of any financial assistance. Therefore at this length of time, entertaining the application for



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compassionate appointment may not be proper.

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7.For the aforesaid reason, the writ appeal stands disposed of. No costs.

[G.J., J.] & [R.P., J.]

27.02.2025

NCC : Yes / No

Index : Yes / No

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