

W.A.No.39 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.01.2022

CORAM:

**THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD**

W.A.No.39 of 2022

P. Vasanthakumar

... Appellants

v.

The Principal Chief Engineer-cum-
Chief Engineer(General),
Public Works Department,
Chepauk,
Chennai - 600 005.

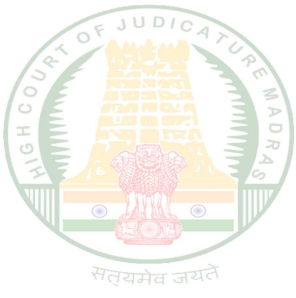
... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order
made in W.P.No.10769 of 2009, dated 03.10.2019

For Appellants : Mr.K.Soundararajan

For Respondents : Mr. R.U. Dinesh Rajkumar,
Additional Government Pleader.

JUDGMENT



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(Judgment of the Court was made by M.DURAI SWAMY,J.)

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Challenging the order passed in W.P.No.10769 of 2009, the Writ Petitioner has filed the above Writ Appeal.

2. The appellant filed the Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the respondent dated 20.02.2009, to quash the same and to direct the respondent to appoint the petitioner in any one of the post incommensurate with the petitioner's educational qualification in Public Works Department on compassionate ground.

3.1 It is the case of the appellant that his father was working in the Public Works Department and he died on 13.10.1990 leaving behind his wife, the appellant and another son. At the time of death of the appellant's father, Panneer Selvam, the appellant was 2 ½ years old. After the death of the said Panneer Selvam, his wife, viz., Thangamani Paneer Selvam, submitted an application dated 04.01.1993 seeking for Compassionate appointment. Thereafter, the appellant submitted his



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application on 02.05.2007 seeking for Compassionate appointment.

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3.2 It is also the case of the appellant that services of his father was regularized only on 06.02.2007. Since the appellant has submitted his application after a lapse of 17 years, the respondent rejected the application.

4. Mr.K.Soundararajan, learned counsel appearing for the appellant submitted that even the application submitted by the petitioner's mother, Tmt. Thangamani Paneer Selvam has not yet been considered by the respondent.

5. Since the mother of the petitioner has not filed any Writ Petition seeking for any direction with regard to her application dated 04.01.1993, we are not adverting to any finding with regard to the application submitted by the appellant's mother.

6. It is settled law that appointment on compassionate ground has to be given to such of those person who are eligible for appointment at the



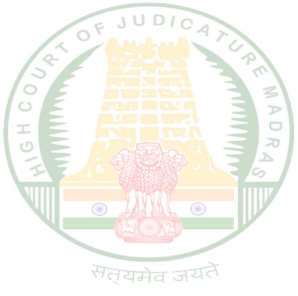
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time of death of the employee. In the case on hand, the appellant was not eligible for providing compassionate appointment for the reason that he was only 2 ½ years old at the time of death of his father. As rightly observed by the learned Single Judge, appointment on compassionate basis is not a matter of right and it is only to tide over the situation to which the family is put to on the death of the sole bread winner of the family. The appellant has submitted the application seeking for compassionate appointment after a lapse of 17 years. When the appellant had managed to run the family for more than 17 years, there is no eminent necessity for providing any compassionate appointment.

7. The learned Single Judge, taking into consideration all these aspects, rightly dismissed the Writ Petition. We do not find any ground to interfere with the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Appeal is dismissed. No costs.

[M.D., J.] [J.S.N.P., J.]



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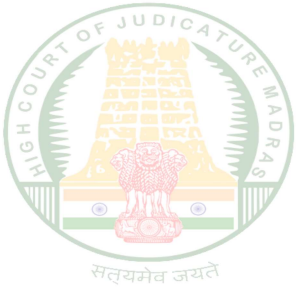
Index : Yes/No

Internet: Yes

Rj

To

The Principal Chief Engineer-cum-
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M. DURAISWAMY, J.
and
J. SATHYA NARAYANA PRASAD ,J

Rj

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