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WP No. 22790 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 22790 of 2026

Mr.S.Kartik
S/o.Late Prabhakaran Sathiasan, No.51/2,
Peeli Amman Koil street, Kottur,
Chennai - 600085.

..Petitioner

Vs

1. Government Of India
Ministry of Finance, Department of Revenue,
Rep. by the Principal Chief Commissioner,
GST and Central Excise, Tamilnadu and
Puducherry, No.26/1, mahatma gandhi road,
nungambakkam, chennai – 600034.
2. The Union of India
Rep. by the Commissioner of Central Excise,
Chennai-IV-Commissionerate, No.62, MHU
Complex, nandanam, chennai - 600035.

..Respondent(s)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the central administrative tribunal chennai bench in original application bearing O.A.No.310/00659 of 2024 dated 19.02.2026 to quash the same and direct the respondents to appoint the petitioner on compassionate grounds.



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For Petitioner :

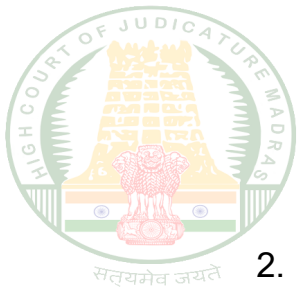
Mr.V.Chandrakanthan

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Order

(Order of the Court was made by S.M.Subramaniam J.)

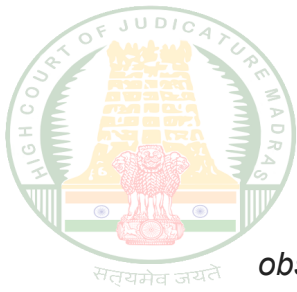
Compassionate appointment is a concession and a special scheme introduced by the Government to mitigate the circumstances arising on account of the penurious circumstances of the family of the deceased employee. The object of the scheme is not to provide one government appointment to the family of the deceased employee. Indigent circumstances and other mitigating factors are to be assessed for providing appointment on compassionate ground. The terms and conditions of the scheme are to be scrupulously followed by the competent authorities. Equal opportunity in public employment is the constitutional mandate. Lakhs and lakhs of meritorious youth of our nation are longing to seek public employment through open competitive examination process. All the public appointments are to be made under the constitutional scheme subject to the terms and conditions so that compassionate appointment is provided only to the deserving families. Providing large scale compassionate appointments will result in administrative inefficiency and infringing the right of the eligible candidates who all are aspiring to secure public employment.



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2. The facts of the present case would show that the deceased employee died in the year 2004. The wife of the deceased employee submitted an application seeking employment to their son on compassionate ground. Pertinently, the wife of the deceased employee is receiving about Rs.64,000/- per month towards her pension and family pension. That apart, the wife of the deceased employee has obtained a false income certificate from the Zonal Deputy Tahsildar by misrepresentation as if her family is in indigent circumstances. The Tribunal considered all these aspects in the context of the ruling of the Hon'ble Supreme Court in **Union of India -vs- Prohlad Guha (2024 INSC 563)**, wherein it is observed as under:

“ 14. The above discussion reiterates that fraud vitiates all proceedings. Compassionate appointment is granted to those persons whose families are left deeply troubled or destitute by the primary breadwinner either having been incapacitated or having passed away. So when persons seeking appointment on such ground attempt to falsely establish their eligibility, as has been done in this case, such positions cannot be allowed to be retained. xxx. The respondent-employees in the present case, having obtained their position by fraud, would not be considered to be holding a post for the purpose of the protections under the Constitution. We are supported in this conclusion by the



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observations made in *Devendra Kumar v. State of Uttaranchal*

(2013) 9 SCC 363."

3. The principles on compassionate appointments are also summarised by the Supreme Court of India in the case of **Director of Treasuries, Karnataka and Another -vs- Somyashree 2021 INSC 472.**

(i) that the compassionate appointment is an exception to the general rule;

(ii) that no aspirant has a right to compassionate appointment;

(iii) the appointment to any public post in the service of the State has to be made on the basis of the principle in accordance with Articles 14 and 16 of the Constitution of India;

(iv) appointment on compassionate ground can be made only on fulfilling the norms laid down by the State's policy and/or satisfaction of the eligibility criteria as per the policy;

(v) the norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment.

4. A detailed order has been passed by the authorities vide proceedings dated 05.02.2024 narrating the entire family circumstances as well as income



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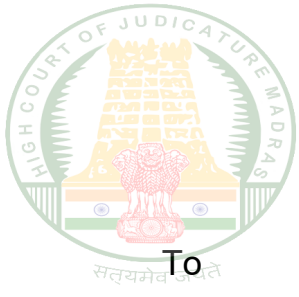
details of the writ petitioner herein. A plain reading of the facts would be sufficient to form an opinion that the family of the petitioner is not in penurious circumstances and more so the deceased employee died in the year 2004 and now after a lapse of 22 years, the appointment on compassionate ground cannot be considered.

5. Thus, the petitioner has not established any acceptable ground for considering her application seeking compassionate appointment and the Central Administrative Tribunal has considered the issues in right perspective and in consonance with the legal principles settled by the constitutional courts. Consequently the order passed by the Central Administrative Tribunal is confirmed and the writ petition stands dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
17-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST



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To

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1. The Principal Chief Commissioner
Government Of India
Ministry of Finance, Department of Revenue,
GST and Central Excise, Tamilnadu and
Puducherry, No.26/1, mahatma gandhi road,
Nungambakkam, chennai – 600034.
2. The Commissioner of Central Excise, chennai-
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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