



W.A(MD)No.698 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)No.698 of 2021

S.Murugan

: Appellant

Vs.

The District Collector
Collectorate
Tirunelveli District.

... Respondent

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No. 4310 of 2014 dated 26.11.2020.

For Appellant : Mr. M.Saravanakumar
For Respondents : Mr.M.Mahaboob Athiff,
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **M.DHANDAPANI.J.**)

This Intra-Court Appeal has been filed challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.4310 of 2014, dated 26.11.2020.



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2. The appellant claims compassionate appointment on the ground that his father, who was working as a Village Assistant, died in harness on 05.09.2008. It is stated that the appellant submitted an application in the year 2009 seeking compassionate appointment thereafter. However, the District Collector rejected the claim only by order dated 06.02.2014, principally on the ground that the appellant had crossed the prescribed age limit. Challenging the same, the petitioner has filed the writ petition before this Court and this Court, by order dated 26.11.2020, dismissed the said writ petition. Aggrieved by the same, the present writ appeal has been filed.

3. The learned counsel appearing for the appellant would submit that the indigent circumstances of the family ought to have been considered as on the date of consideration of the application and that the claim ought not to have been rejected solely on the ground of over-age. It is further submitted that the appellant was otherwise within the permissible age limit applicable to the relevant category and that the impugned order is therefore liable to be interfered with.



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4. Per contra, the learned Special Government Pleader appearing for the respondent would submit that the appellant was already aged about 55 years at the relevant point of time and therefore, there could be no justification for granting compassionate appointment at such a belated stage. It is further submitted that compassionate appointment is an exception to the normal rule of recruitment and is intended only to provide immediate financial assistance to the family of the deceased employee who is in indigent circumstances.

5. We have heard the learned counsel for the parties and perused the materials available on record.

6. It is not in dispute that the appellant's father died in harness on 05.09.2008. The very object of compassionate appointment is to provide immediate relief to the family of the deceased employee and to tide over the sudden financial crisis caused by the death of the breadwinner. It is not a mode of regular recruitment nor does it create a vested right to appointment irrespective of the passage of time. In the present case, there is a considerable delay between the date of death of the employee and the effective consideration of the claim. Though the appellant claims to have submitted an application in the year 2009, the claim came to be rejected only in the year 2014. By that time,



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the appellant had admittedly crossed the relevant age prescribed for appointment. More importantly, compassionate appointment cannot be claimed merely because the application was submitted within the prescribed period. The competent authority is required to examine whether the family continues to be in indigent circumstances warranting such exceptional appointment. The very purpose of such appointment would be defeated if a person is appointed after a substantial lapse of time merely on the ground that an application had been submitted earlier.

7. Therefore, having regard to the nature and object of compassionate appointment, the considerable passage of time, the age of the appellant and the absence of any continuing circumstances warranting immediate appointment, this Court finds no error in the decision of the learned Single Judge in declining to interfere with the order of the District Collector.

8. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

[M.D.I.,J] [N.D.K.,J]

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Index: Yes/No
Internet: Yes/No
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M.DHANDAPANI, J

AND

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