



W.P.(MD) No.18558 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18558 of 2026

and

W.M.P.(MD) No.13727 of 2026

S.Saravanan

... Petitioner

-VS-

1.The Managing Director
Tamilnadu State Transport
Corpn, (MDU) Ltd.,
Bye-pass Road, Madurai-625 016

2.The General Manager
Tamilnadu State Transport
Corpn, (MDU) Ltd.,
Madurai Region, Bye-pass Road
Madurai-625 016

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent in Ref:Administration/A2/3336/2025, dated 07.01.2026 and to quash the same as illegal and further direct the respondents to appoint the petitioner under the compassionate ground within the stipulated period of time frame fixed by this Court.



W.P.(MD) No.18558 of 2026

WEB COPY

For Petitioner : Mr.K.Gokul

For Respondents : Mr.Gladson Michael Rajadurai
Standing Counsel

ORDER

The father of the petitioner was appointed as a Driver on 27.06.1995 in the respondent – Transport Corporation and while working as such, he met with an accident on 04.02.1998 and died. Thereafter, the mother of the petitioner herein made a claim for compassionate appointment. While the said application was under consideration, the mother of the petitioner substituted her name with the sister of the petitioner, by name, Hemapriya and accordingly, the case of the petitioner's sister was considered and accordingly, her name was entered in the register of eligible candidates for compassionate appointment.

2. While things stood thus, the petitioner claims to have submitted a representation dated 03.07.2025, along with the consent from his sister, to the respondents for inclusion of his name in the place of his sister for compassionate appointment. Complaining inaction on the part of the respondents in considering his representation, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.28457 of 2025 and the said writ



W.P.(MD) No.18558 of 2026

WEB COPY

petition was disposed of by this Court on the earlier occasion *vide* order dated 06.11.2025 directing the respondents to consider the said representation. Accordingly, the case of the petitioner was considered and rejected by the respondents *vide* impugned proceedings dated 07.01.2026, on the ground that in terms of the existing Scheme for compassionate appointment issued under G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023, change of name of the candidate for compassionate appointment cannot be permitted for the third time. It is aggrieved by the said proceedings dated 07.01.2026, the petitioner has approached this Court by filing the present writ petition contending that the orders issued by the Government in G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023, have no application to the case of the petitioner as the claim of the petitioner for compassionate appointment relates back to the year 1998, when the petitioner's father passed away and further, he has, in fact, approached the respondents in the year 2021 by submitting an alternative application for considering his case for compassionate appointment in the place of his sister.

3. This Court has carefully considered the submissions made by the learned counsel for the petitioner and also perused the entire materials on



W.P.(MD) No.18558 of 2026

WEB COPY

record, including the impugned proceedings dated 07.01.2026 and the Government Order in G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023.

4. It is not in dispute that initially the mother of the petitioner made an application for compassionate appointment and later, the same was changed to the name of the petitioner's sister, by name, Hemapriya. Accordingly, the name of the said Hemapriya was included in the seniority list for compassionate appointment at Serial No.6. At that stage, the petitioner once again made a claim for inclusion of his name by submitting an alternative application on 03.07.2025. Though the learned counsel for the petitioner contended that the petitioner has made such a request as early as in the year 2021 as well, no such material is placed before this Court to accept the said contention. In the absence of any material in proof of having submitted any application prior to the issuance of the Government Order in G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023, the only application that appears to have been made by the petitioner was on 03.07.2025 i.e., much after issuance of the Government Order in G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023.



W.P.(MD) No.18558 of 2026

WEB COPY

5. The Government Order in G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023, specifically deals with alternative application. In terms of the said Government Order, the applicant is entitled to nominate any other member of his family either on the ground of ill-health or for any other reasons, within a period of one year from the date of making the application for compassionate appointment.

6. In the instant case, the application for compassionate appointment was made by the petitioner's mother decades before the present application submitted by the petitioner on 03.07.2025. Further, in terms of the said Government Order, it is also mandatory that no alternative application shall be entertained more than once. In the instant case, admittedly, the request that is being made by the petitioner is for the second time and therefore, for this reason also, the claim of the petitioner cannot be entertained. The respondents have taken into consideration the Government Order in G.O.(Ms) No.33, Labour and Employment and Skill Development (Q1) Department, dated 08.03.2023, and rejected the claim of the petitioner for accepting his alternative application. In such circumstances, this Court does



W.P.(MD) No.18558 of 2026

WEB COPY

not find any error or illegality in the impugned order passed by the second respondent.

7. Yet another reason weighed with this Court for not entertaining this writ petition is that the father of the petitioner passed away as early as on 04.02.1998 and the request of the petitioner was made in the year 2025 i.e., almost after a lapse of three decades. Compassionate appointment cannot be claimed as a matter of right and it is only an exception to Article 16 of the Constitution of India. Therefore, the petitioner cannot claim compassionate appointment as a matter of right.

8. In the light of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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W.P.(MD) No.18558 of 2026

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.18558 of 2026
and
W.M.P.(MD) No.13727 of 2026

02.07.2026