



W.P.(MD) No.20566 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.20566 of 2026

V.Venkateswari

... Petitioner

-vs-

The District Forest Officer
O/o.District Forest Office
Trichirapallai District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records in impugned communication in Na.Ka.No.TRY-CR/35/2026/Pa-1, dated 16.06.2026, on the file of the respondent and quash the same as illegal and consequently directing the respondents to consider the petitioner for appointment on compassionate grounds within stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.M.Dinesh Hari Sudarsan
Counsel for the Government of Tamil Nadu



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ORDER

This writ petition has been filed challenging the impugned proceedings bearing Na.Ka.No.TRY-CR/35/2026/Pa-1, dated 16.06.2026, issued by the respondent, whereby the request of the petitioner seeking compassionate appointment on the death of her elder brother has been rejected on the ground that the petitioner has crossed the age of forty years, as prescribed under the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 (hereinafter, referred to as “the Rules”), as on the date of submission of her application seeking compassionate appointment.

2. Rule 6 of the said Rules mandates that the son, daughter, brother or sister of the deceased government servant must not have completed forty years of age on the date of the application seeking compassionate appointment, so as to claim compassionate appointment.



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3. In the instant case, admittedly, the petitioner has completed the age of forty years by the date of submission of her application seeking compassionate appointment and there is no dispute in this regard.

4. However, learned counsel for the petitioner submits that in terms of Sub Rule (2) of Rule 14 of the Rules, the head of the Office, where the deceased government servant worked, is under the obligation to inform the provision of the scheme for appointment on compassionate grounds to the family of the deceased government servant in writing under proper acknowledgement.

5. In the instant case, the deceased government servant is, admittedly, unmarried. The definition of “family”, as defined in Clause (f) of Sub Rule (1) of Rule 2 of the Rules, does not include the sister as a family member of the deceased government servant. No doubt, Sub Clause (ii) of Clause (f) of Sub Rule (1) of Rule 2 of the Rules entitles the brother or sister of the deceased unmarried government servant to seek for appointment on compassionate grounds. But, that does not mean that the married sister, who is having her own family and grown up children, who are all majors, can be



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considered as a family member of the deceased government servant. In the circumstances, the question of the head of the Office, where the deceased government servant worked, informing the petitioner herein about the availability of the provision for compassionate appointment in terms of Sub Rule (2) of Rule 14 of the Rules does not arise.

6. Be that as it may, the petitioner herein is now aged about 41 years and she is married and having children aged about 25, 22 and 19 years and out of them, two daughters are already married. In the circumstances, the petitioner, under no circumstances, can be said to be a dependent on the deceased government servant. Merely because his elder brother, who was a government servant, had been financially supporting the petitioner, that does not mean that the petitioner herein is a dependent of the deceased government servant. The Scheme of Compassionate Appointment is meant for the dependent family members, who do not have any source of livelihood for their sustenance and to meet the immediate contingency consequent upon the untimely death of the government servant, but not for abuse in the same in manner like in the instant case.



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7. The next contention of the learned counsel for the petitioner that in terms of Rule 17 of the Rules, the Government has power to relax any of the provisions of the Rules and therefore, it is obligatory on the part of the appointing authority to seek for relaxation of the upper age limit does not convince this Court as this is not a fit case where such a discretion can be expected to be exercised by the Government or by the appointing authority. Further, the petitioner herein, admittedly, has not sought for relaxation of the upper age limit while submitting her application seeking compassionate appointment.

8. Further, it is also brought to the notice of this Court that the petitioner has not obtained any dependent certificate from the competent authority while submitting her application for compassionate appointment. In view of the same, the respondent has unnecessarily undertaken the exercise of considering the claim of the petitioner for compassionate appointment in the absence of any dependent certificate produced by the petitioner. For these reasons, this Court does not find any merit in this writ petition.



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9. Though this Court is inclined to impose exemplary costs on the petitioner for having attempted to abuse the Scheme for Compassionate Appointment as well as the process of this Court, taking into consideration the fact that the petitioner herein is a woman, this Court refrains from imposing any costs on her.

10. Accordingly, this writ petition is dismissed. No costs.

22.07.2026

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

krk

To:
The District Forest Officer,
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Trichirapallai District.



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MUMMINENI SUDHEER KUMAR, J.

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