



WEB COPY

W.P.No.25497 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 02.12.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.25497 of 2019**  
**and**  
**W.M.P.No.25025 of 2019**

Smt. Tamil Pandi

... Petitioner

Vs.

1.Union of India Represented by  
The General Manager,  
Southern Railway, Part Town,  
Chennai.

2.The Divisional Security Commandant,  
Railway Protection Force, Southern Railway  
Madurai Division, Madurai.

3.The Divisional Security Commissioner,  
Railway Protection Force,  
Southern Railway, Madurai.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of 2<sup>nd</sup> respondent made in No.UXP/500/Sett/12 dated 29.05.2013 to quash the same and to consequently direct the respondents to appoint the petitioner's daughter Smt. R.Saranya in any one of eligible post on compassionate grounds.



For Petitioner : Mr.L.Chandra Kumar  
For Respondents : Mr.P.T.Ram Kumar  
[For Railways]

## **ORDER**

The order of rejection, rejecting the claim of the writ petitioner for appointment on compassionate grounds in proceedings dated 29.05.2013 is under challenge in the present writ petition.

2. The petitioner states that her husband Late Mr.P.Ramamurthy was working as Head Constable in Railway Protection Force. The husband of the writ petitioner died on 12.01.2011, while he was in service. Initially, the petitioner submitted an application to provide appointment on compassionate ground to her son and on examination, the competent authorities found that he is not eligible for appointment on account of the fact that he was not medically fit. The petitioner submitted another application to provide appointment to her daughter and the said application was rejected on the ground that the petitioner herself is working as a Sub-Inspector of Police in the Tamil Nadu Police. The daughter of the writ



petitioner had already got married and living with her husband and therefore, she is not the dependent of the deceased employee.

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3. When the wife of the deceased employee herself is gainfully employed as a Sub-Inspector of Police in the Tamil Nadu Police, the family of the deceased employee is not eligible to avail the benefit of the scheme of compassionate appointment.

4. Scheme being a concession cannot be claimed as an absolute right. Scheme of compassionate appointment implemented strictly in accordance with the terms and conditions. Scheme being violative of Articles 14 and 16 of the Constitution cannot be expanded, so as to provide one appointment to the family of the deceased employee. The object of the scheme is to mitigate the penurious circumstances arising on account of the sudden death of an employee.

5. In the present case, the petitioner, who is the wife of the deceased employee herself, is employed as a Sub-Inspector of Police in the Tamil Nadu Police Department. Therefore, the scheme of compassionate



appointment cannot be extended to the family of the deceased employee.

That apart, the deceased employee died in the year 2011 and almost 11 years lapsed and efflux of time is also a ground to deny compassionate appointment, since the penurious circumstances arises on account of sudden death of the employee became vanished.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

**02.12.2022**

Jeni  
Index : Yes  
Speaking order

To

1.The General Manager,  
Union of India  
Southern Railway, Part Town,  
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**S.M.SUBRAMANIAM, J.**

Jeni

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