



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21197 of 2021

K.Mohamed Issath Ali

... Petitioner

Vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat Buildings,
Chennai, Tamil Nadu.

2.The Secretary,
Labour and Employment Department,
Government of Tamil Nadu,
Secretariat Buildings,
Chennai, Tamil Nadu.

3.The Secretary,
Ministry of Public Health and Family Planning,
Government of Tamil Nadu,
Secretariat Buildings, St.George Fort,
Chennai, Tamil Nadu.

4.The Director,
Directorate of Public Health and Preventive Medicine,
359, Annasalai, DMS Complex,
Theynampet,
Chennai, Tamil Nadu.

5.The Deputy Director of Health Service,
Public Health Department,
Multipurpose Female Training Campus,
Kovilpatty,
Thoothukudi,
Tamil Nadu.

6.The Deputy Director of Health Service,
Public Health Department,
Thirunelveli,
Tamil Nadu.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents

<https://hcservices.ecourts.gov.in/hcservices/>



1 and 2 to add appropriate provisions regarding the Compassionate appointment of Minor Children of the deceased Government employees in vide G.O.Ms.No.18 Labour and Employment (Q1) Department dated 23.01.2020 or pass New Government Order based on that give permanent Government job to the petitioner under the compassionate grounds of appointment by considering his representation dated 27.08.2021 to the 1st respondent.

For Petitioner : Mr.P.Murughadasan
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

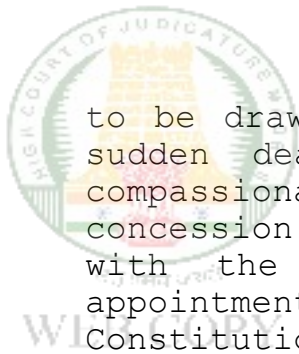
O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to add appropriate provisions regarding the compassionate appointment of minor children of the deceased Government employees vide G.O.Ms.No.18 Labour and Employment (Q1) Department dated 23.01.2020 or pass New Government Order and based on that, give permanent Government job to the petitioner under the compassionate grounds of appointment by considering his representation dated 27.08.2021 to the 1st respondent.

2. The father of the petitioner was an employee in Public Health Department and he died on 07.08.1986, while he was in service. The petitioner, during the relevant point of time, was one year old child. Thereafter, the mother of the petitioner also died. She was not fit to join as Government servant and the petitioner being a minor during the relevant point of time, was not in a position to submit application. On attaining the age of majority, the petitioner submitted application after a lapse of many years seeking appointment on compassionate grounds.

3. The learned counsel appearing for the petitioner made a submission that the Government should incorporate the provisions for accomodating such minors for the purpose of providing public employment on compassionate grounds.

4. However, such a policy decision cannot be decided by the High Court in a writ proceedings under Article 226 of the Constitution of India. As per the scheme of compassionate appointment, the application is to be submitted within a period of three years from the date of death of the deceased employee. In the present case, the petitioner was minor and therefore, not eligible to submit the application. However, now after a lapse of many years, the petitioner submitted an application. This factual inference is



to be drawn that the penurious circumstances arouse on account of sudden death of the employee became vanished. The scheme of compassionate appointment is not an absolute right. It is a concession. Such concession is to be extended strictly in accordance with the terms and conditions of the scheme. Compassionate appointment being violative of Articles 14 and 16 of the Constitution of India, the scheme cannot be extended by the Courts for the purpose of providing government employment. The very scheme is not to give appointment to the family of the deceased employee. The object of the scheme is to mitigate the circumstances arising on account of the death of the deceased employee. These appointments are to be made strictly under the Recruitment Rules in-force. Compassionate appointments are provided not verifying the eligibility and suitability, but merely based on the death of the government employee. Efficiency of public administration is also to be considered and the Courts cannot expand the scope of the scheme of compassionate appointment.

4. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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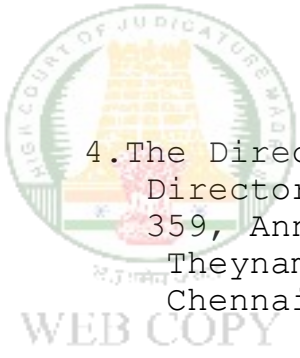
/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Chief Secretary,
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Chennai, Tamil Nadu.
- 2.The Secretary,
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Chennai, Tamil Nadu.
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+2 CC to M/s.P. MURUGHADASAN, Advocate (SR-21584[F] dated
27/04/2022)

W.P. (MD) No.21197 of 2021

26.04.2022

RK(12/05/2022) 4P 9C