



W.P.(MD).No.15105 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.09.2023**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.15105 of 2022**

R.Prema

... Petitioner

Vs.

1.Life Insurance Corporation of India,  
Through its Senior Divisional Manager,  
Madurai Division Office,  
Bridge Station Road,  
Sellur, Madurai – 625 002.

2.The Branch Manager,  
LIC of India,  
Srivilliputhur Branch,  
Srivilliputhur,  
Virudhunagar District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent in Ref.P and IR dated 26.07.2023 rejecting the request of the petitioner for appointment on compassionate grounds to her son Shri Anishkumar and quash the same and consequently direct the respondents to provide her son an appointment on compassionate grounds in any of the suitable posts in the respondent Corporation.

(Prayer amended vide order dated 02.08.2023  
in W.M.P(MD)No.15661 of 2023)



**W.P.(MD).No.15105 of 2022**

WEB COPY

For Petitioner : Mr.VR.Shanmuganathan  
For Respondents : Mr.K.Vinoharan  
for Mr.G.Prabhu Rajadurai

**ORDER**

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the first respondent, dated 26.07.2023 rejecting the request of the petitioner for appointment on compassionate grounds to her son Anish Kumar and consequently direct the respondents to provide her son an appointment on compassionate grounds in any of the suitable posts in the respondent Corporation.

2.Heard Mr.VR.Shanmuganathan, learned counsel appearing for the petitioner and Mr.K.Vinoharan, learned counsel appearing for the respondents and perused the materials available on record.



**W.P.(MD).No.15105 of 2022**

WEB COPY

3.The petitioner's husband, late Raja, was working as an Administrative Officer in the second respondent's office. While in service, he died on 18.07.2020 due to coronavirus. He was survived by his mother, a senior citizen, his son aged 17 years and the petitioner. On 20.08.2020, the petitioner gave a request to the respondents seeking compassionate appointment for the petitioner's son, who attained his age of majority. On 21.08.2020, the first respondent called for the petitioner to furnish certain documents. However, the petitioner could not produce proof for her age and her educational certificates, as she had lost them. Since the petitioner's son attained majority on 16.09.2020, again the petitioner had given a request for providing compassionate appointment to her son Anish Kumar. However, the petitioner received another letter dated 14.12.2020 reiterating that the petitioner had to produce the certificates belonging to her alone, for which she duly replied that she had lost her certificates and thereafter, both the petitioner and her son Anish Kumar independently gave separate requests on 24.02.2021 seeking employment for her son. Following which, several representations were given by the petitioner and her son in the years 2021 and 2022 and the last of which was made on 24.06.2022. Despite the same, the

3/12



**W.P.(MD).No.15105 of 2022**

respondents insisted on producing the age proof and educational qualification certificates pertaining to the petitioner alone and not her son. Hence, the petitioner left with no other option filed this Writ Petition before this Court seeking to direct the respondents to provide suitable order of appointment to the petitioner's son Anish Kumar.

4. During the pendency of this Writ Petition, the impugned order, dated 26.07.2023 came to be passed by the first respondent. Pursuant to the same, the petitioner filed an amendment petition in W.M.P(MD)No.15661 of 2023 seeking to amend the prayer of the Writ Petition permitting her to challenge the impugned rejection order, dated 26.07.2023 and the same was allowed by this Court on 02.08.2023.

5. The learned counsel appearing for the respondents had circulated the updated version of LIC Recruitment (of Class III and Class IV staff) Instructions, 1993, with modifications incorporated till 31.03.2020. Relying upon Clause 21(v) of the said Instructions, the learned counsel appearing for the respondents contended that the petitioner's son is not entitled to appointment on compassionate grounds and the relevant portion of which is extracted as follows:-



**W.P.(MD).No.15105 of 2022**

WEB COPY

*"21.Relaxation in favour of near relatives of an employee who dies while in service or retires at least 5 years prior to the date of superannuation:*

*(v) The relaxations shall be admissible only if a request is received from the relative who satisfies the conditions of minimum educational qualifications, age, etc., as prescribed, within a period of one year from the date of death of the employee or early retirement as specified."*

6.That apart, the learned counsel appearing for the respondents also relying upon Clause 21(v)(c) of the Instructions submitted that upto one year from the date of attaining majority by the eldest surviving child where the spouse of the deceased employee is ineligible for compassionate appointment and all the children are minor on the date of death of the employee. This will not apply when the spouse is gainfully employed. He also insisted that the petitioner is eligible for appointment since she was aged 43 at the date of application and she is also qualified with Bachelor's Degree and in that line, he submitted that the respondents are prepared to provide an appointment to the petitioner and not her son Anish Kumar.



**W.P.(MD).No.15105 of 2022**

7.In the instant case, the petitioner made an application on 20.08.2020 seeking employment for her son at the first instance while he was a minor at that point of time. Thereafter, on her son namely Anish Kumar, attaining the age of majority on 16.09.2020, the petitioner again made a request seeking compassionate appointment to her son and such a request cannot be heeded to by the respondents and they are always open-mindedly ready to provide appointment to the petitioner.

8.Per contra, the learned counsel appearing for the petitioner insisted that the Clause which has been relied on by the learned counsel for the respondents will not be applicable to the facts and circumstances of this case for the reason that the petitioner did not seek any relaxation either in terms of age or in terms of education. Relying upon Clause 7 of the Instructions, which details about the conditions of eligibility, the learned counsel appearing for the petitioner submitted that the son of the petitioner namely Anish Kumar has attained the age of majority and now, he is also having a qualification of Graduation and hence, it is up to the respondents to duly consider the application of the petitioner and there is no bar for the respondents to consider the representation of the petitioner and withdraw the



**W.P.(MD).No.15105 of 2022**

impugned order and provide the petitioner's son with an appointment and pressed for quashing the impugned order and allowing the Writ Petition.

9.The crux of the matter in the instant case is no more *res integra* and this Court on more than one occasion has dealt with similar facts and circumstances and this Court in W.P(MD)No.11808 of 2020, by order dated 16.09.2020, while dealing with a case of the petitioner, who sought for appointment on compassionate ground on attaining the age of majority, had passed favourable order to the petitioner thereat and the relevant portion of which is extracted as follows:-

*"23. Here in the case in hand, the application was filed within a three years period, of course, strictly speaking, on the date of application, the petitioner was still short of 64 days to attain the majority. This kind of case, in the considered opinion of this Court, can be fit under the category of application not made belatedly, but within the time, however, some nominal shortage of a few days to attain the majority.*

*25.In this context, the relevant observation made by the Hon'ble Full Bench in the*



WEB COPY



W.P.(MD).No.15105 of 2022

*aforesaid decision can usefully be referred to hereunder:*

*"5.A person in penury or distress will not take long to survive the vagaries of penury for seeking information of such benefits. The argument that there are some exceptional cases where people hardly get information is a far-fetched argument raised to dilute a reasonable time that has been fixed under the rules and the scheme and, in our opinion, caters sufficiently to allow a dependent to stake his/her claim for compassionate appointment. If a dependent sleeps over and does not make any effort by the reason of his own incapacity, which also includes the dependent-claimant not having attained the age of majority, such lapse of time on the part of the claimant will definitely lead to dilute the immediacy of the requirement. The time spent to attain majority cannot be a ground to establish the existence of indigence even after attaining the age of majority. This, in our opinion, has also been taken due care of by providing a period of three years for moving an application for compassionate appointment, which means that if the dependent is only about 15 years of age, he/she can apply immediately after attaining the age of majority."*

*26.Therefore, it was opined by the Full Bench that, the period of three years for moving*



WEB COPY



**W.P.(MD).No.15105 of 2022**

*application for compassionate appointment means that, if the dependent is only 15 years of age, he/she can apply immediately after attaining the age of majority."*

10. Fully in consonance with the order passed by this Court in the aforesaid case, the instant case is also similarly placed and in the instant case, though the petitioner's son Anish Kumar was a minor at the time of death of the employee ie., on 18.07.2020 and though the petitioner's mother made an application seeking appointment on compassionate ground to her son, who was a minor, the only bar for the respondents to provide him with an appointment on compassionate ground is that he had made his application after attaining the age of majority. In this case, both the petitioner and her son Anish Kumar had independently made an application seeking an appointment on compassionate grounds on 24.02.2021 and the respondents are bound to consider the same and provide the petitioner's son Anish Kumar with a suitable post.



**W.P.(MD).No.15105 of 2022**

11.In view of the same, this Court hereby quash the impugned order, dated 26.07.2023 passed by the first respondent and thereafter, direct the respondents to provide the petitioner's son Anish Kumar with an appropriate employment within a period of twelve weeks from the date of receipt of a copy of this order.

12.Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

**26.09.2023**

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



**W.P.(MD).No.15105 of 2022**

WEB COPY

To

- 1.Life Insurance Corporation of India,  
Through its Senior Divisional Manager,  
Madurai Division Office,  
Bridge Station Road,  
Sellur, Madurai – 625 002.
- 2.The Branch Manager,  
LIC of India,  
Srivilliputhur Branch,  
Srivilliputhur,  
Virudhunagar District.



WEB COPY



**W.P.(MD).No.15105 of 2022**

**L.VICTORIA GOWRI, J.**

ps

**W.P.(MD)No.15105 of 2022**

**26.09.2023**