



W.P. No.30174 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 01.10.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.30174 of 2010**

**and**

**M.P.No. 2 of 2010**

T.Dharmalingam

... Petitioner

Vs.

1.The Secretary to Government,  
Public Works Department,  
Government of Tamilnadu,  
Secretariat,  
Chennai – 600 009.

2.The Additional Secretary to Government,  
Public Works Department,  
Secretariat,  
Chennai -9.

3.The Principal Chief Engineer,  
Water Resources Organisation and  
Chief Engineer (General)  
Public Works Department,  
Chepauk,  
Chennai -5.

4.S.Raja

5.S.Ramesh

...Respondents

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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to call for the records on the file of the respondents 1 and 2 in the records on the file of the respondents 1 and 2 in connection with the orders passed by them in Letter No.10990/B1/2006-1 dated 14.06.2006, Letter No.44042/B1/07 dated 28.03.2008, Letter No.20218/B1/08-4 dated 30.07.2008, and Letter No.84735/B1/09-3 dated 28.10.2009 respectively and quash the same and direct the respondents 1 to 3 to consider the case of the petitioner for further promotion to the post of Assistant Executive Engineer as if he was appointed with effect from the date of appointment of his Juniors Thiru S.Raja and Thiru S.Ramesh dated 22.06.1992 and 01.09.1992 respectively by placing the petitioner over all above them in the cadre of Assistant Engineer as per his representation dated 23.12.2010 by issuing a writ of Certiorarified Mandamus.

For Petitioner : Mr.L.Chandra Kumar  
For R1 to R3 : Mr.R.Vigneshwaran  
Government Advocate.

### **ORDER**

This writ petition has been filed questioning the Letter No.10990/B1/2006-1 dated 14.06.2006, Letter No.44042/B1/07 dated 28.03.2008, Letter No.20218/B1/08-4 dated 30.07.2008, and Letter No.84735/B1/09-3 dated 28.10.2009 whereby, the respondents 4 & 5 were promoted to the post of Assistant Executive Engineer on the ground that the petitioner who made a claim for compassionate appointment is entitled for



such appointment from the date of submission of his application but not from the date on which he was appointed as Assistant Engineer and thereby, claimed seniority over the respondents 4 and 5 in the cadre of Assistant Executive Engineer.

2. The very fact that the petitioner made a claim for compassionate appointment and the appointment on compassionate ground confers right of service only from the date of such appointment but in no situation, the petitioner can be said to be entitled to make a claim for compassionate appointment from the date of submission of his application as Assistant Engineer.

3. As seen from the paragraph No.19 of counter affidavit, the case of the petitioner was considered for compassionate appointment after submission of all the relevant documents and hence, the question of giving the benefit of such appointment to the petitioner from the date of submission of application does not arise. In the considered view of this Court, the very appointment on compassionate ground is the concession made by the State in favour of the dependants of the deceased Government Servants and therefore,



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such appointment itself cannot be claimed as a matter of right. Therefore, the question of claiming benefit of appointment from the date of submission application is totally misconceived, unknown to law and has no legal basis.

4. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly dismissed. The connected miscellaneous petitions if any shall stand closed. No costs.

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- 3.The Principal Chief Engineer,  
Water Resources Organisation and  
Chief Engineer (General)  
Public Works Department,  
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**MUMMINENI SUDHEER KUMAR,J.**



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