



W.A.(MD) No.81 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.81 of 2024

S.Rajmohan

... Appellant

-Vs-

1.The Director General of Police,  
Shevalior Sivaji Ganesan Road,  
Chennai-600 004.

2.The State Rep. by,  
Superintendent of Police,  
Ramanathapuram.

... Respondents

**PRAYER:** Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.12.2022 passed in W.P.(MD)No.16752 of 2017 on the file of this Court.

For Appellant : Mr.C.Sundaravadivel

For Respondents : Mr.N.Satheesh Kumar,

Additional Government Pleader



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## **JUDGMENT**

**[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]**

This Writ Appeal is directed against the order dated 22.12.2022 made in W.P.(MD)No.16752 of 2017 on the file of this Court.

2.The appellant is the writ petitioner. Admittedly, the father of the appellant, namely, Chelladurai, was serving as Sub Inspector of Police and died on 09.08.1987, while he was in service. The mother of the writ petitioner is the second wife of the said Chelladurai. A compromise was reached between the first wife and the second wife of the deceased employee, wherein, it was agreed that the mother of the petitioner is entitled to compassionate appointment. Therefore, based on the said compromise memo, she submitted an application seeking appointment on compassionate ground. The said application was rejected, as she had crossed the age of 30 years. Therefore, the writ petitioner submitted an application and the same was also rejected through the impugned order dated 30.03.2017 on the ground that as per the Government Order in G.O(Ms)No.34, Labour and Welfare Department, dated 16.04.2002, the request of the writ petitioner cannot be considered, as his mother is the second wife of the deceased employee. Challenging the same, the appellant preferred the Writ proceedings.



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3.The learned Single Judge considered the facts and formed an opinion that the application itself had been submitted by the appellant beyond the period of three years as contemplated under the scheme of compassionate appointment and that the claim of the writ petitioner to declare his mother as legal heir based on the compromise is against law and the second wife cannot be considered as legal heir of the deceased employee and therefore, he is not entitled to secure appointment on compassionate ground.

4.The scheme of compassionate appointment is a concession, not an absolute right. The scheme is to be implemented scrupulously by following the terms and conditions stipulated. The application submitted within three years from the death of an employee alone is to be considered. The very purpose and object of the scheme is to mitigate the circumstances arising on account of the sudden death of the employee. Pecuniary circumstances prevailing in the family are also to be taken into consideration by conducting enquiry with regard to the source of income and other factual aspects.

5.This being the scheme of compassionate appointment, we do not find any infirmity in respect of the order passed by the learned Single Judge. Thus, the



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same stands confirmed. Accordingly, this Writ Appeal stands dismissed. No costs.

**[D.K.K., J.] & [R.V., J.]**  
**29.01.2024**

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

*Yuva*

To

1.The Director General of Police,  
Shevalior Sivaji Ganesan Road,  
Chennai-600 004.

2.The Superintendent of Police,  
Ramanathapuram.



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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

*Yuva*

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