



WEB COPY



W.A.No.583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.583 of 2025

and

C.M.P.No.4692 of 2025

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat,
Raj Department, Fort St. George,
Chennai.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Saidapet,
Chennai.

3.The District Collector,
Vellore District.

... Appellants

Vs.

B.Ilamparithi

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 23.04.2024 made in W.P.No.13563 of 2022 and allow the Writ Appeal.



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For Appellants : Mr.S.John J.Raja Singh,
Additional Government Pleader
For Respondent : Mr.P.Nethaji

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The issue is one with reference to regularization of a person who was appointed on compassionate grounds. The reasons for non-regularization cited by the respondents are,

- (i) The petitioner did not complete the Bhavanisagar training and
- (ii) He did not produce the Death Certificates of his mother and brother.

2. As regards the first reason the issue is covered by the judgment of this Court in ***The State of Tamil Nadu and another Vs. K.Socrates and another*** made in ***W.A.Nos.1640 and 1641 of 2017*** dated ***01.03.2023***, wherein, it has been held as follows:-

"In view of the aforesaid categorical pronouncements of this Court, it has to be concluded that neither the delay in sending a



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person for training at the Bhavanisagar Institution nor the non-fulfilment of required period of service in the feeder category could be a ground to deny promotion unless it is shown that the particular employee was responsible for the same. We have given the dates above, from which it could be seen that at least there was a delay of 5 years in regularising the services of the respondents who were appointed on compassionate grounds. That delay is definitely attributed to the Authorities. "

3. The Division Bench has also referred to other decisions on the subject viz., ***G.Sonaimuthu Vs. The Government of Tamil Nadu***, made in ***WA(MD) No.1006 of 2016, The District Collector, Thoothukudi District and another Vs. S.Sasisivanandam*** and the judgment in ***Government of Tamil Nadu Vs. K.Anbalagan and others*** made in ***W.A.No.2682 of 2019***. As per the above pronouncements, if it is found that the individual was sent for training belatedly that cannot be a ground to refuse regularization of his services. The writ Court has, as of fact, found that the employee was sent for training only in the year 2016 and therefore he cannot be blamed for non-completion of training within a specified period.

4. With regard to second reason viz., non-production of death certificates,



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the very reason is flimsy. The employee was appointed on compassionate ground, even while appointing him, the death certificates of his mother and brother were verified by the Department. Therefore, the second ground on which the regularization is denied is also unjust.

5. We therefore see no reason to interfere with the orders of the writ Court. The Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

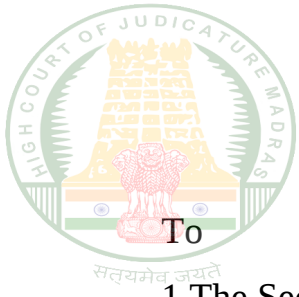
(R.S.M.,J.) (G.A.M.,J.)
04.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

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State of Tamil Nadu,
Rural Development and Panchayat,
Raj Department, Fort St. George,
Chennai.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Saidapet,
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and
G.ARUL MURUGAN, J.

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