



W.P.No.1908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1908 of 2024

P.Hemalatha

... Petitioner

Vs.

1.Union of India

Rep. by its Secretary to Government,
Ministry of Finance,
Department of Economic Affairs (Banking Division),
North Block, Room No.34-C,
New Delhi – 110 001.

2.The Chairman – cum – Managing Director,
Canara Bank, Head Office,
112, J.C. Road, Bangalore – 560 002.
State of Karnataka.

3.The Assistant General Manager,
HRM Section, Circle Office,
No.524, Anna Salai,
Teynampet,
Chennai – 600 018.

4.The Branch Manager,
Canara Bank,
Gudiyatham Branch,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent vide his proceedings in REF : CNC HRMS 1384 E9 2022 SR dated 10.08.2022 and quash the same on the ground that it violates Art.14, 15, 16 and 21 of the Constitution of India and Principles of natural justice and consequently direct the respondents 2 to 4, to provide the appointment on compassionate ground to the petitioner, based on her educational qualification.

For Petitioner : Mr.M.Vijayaragavan
For Respondents : Mr.A.Prakash for R1
ACGSC
Mr.R.Rajesh for R2 to R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the third respondent dated 10.08.2022 and quash the same on the ground that it violates Articles 14, 15, 16 and 21 of the Constitution of India and principles of natural justice and consequently direct the respondents 2 to 4, to provide the appointment on compassionate ground to the petitioner, based on her educational qualification.

2.The learned counsel appearing for the petitioner submitted



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that the petitioner's father namely, G.S.Parasuraman was working as SWO in the fourth respondent bank and he died on 16.01.2022 while he was in service due to heart attack leaving behind his wife, son and daughter/ petitioner as his legal heirs. The petitioner made application dated 25.04.2022 seeking compassionate appointment along with necessary documents well within the prescribed time limit, after obtaining no objection from her mother and brother, however, her application was rejected on the ground that the married daughter of the deceased employee does not fall within the purview of the scheme.

3.Per contra, the learned counsel appearing for the respondents 2 to 4 submitted that the married daughter of the deceased employee cannot claim compassionate appointment as a right and further submitted that the issue involved in the present case is no longer res integra and it has already been decided by the Hon'ble Apex Court in the decision reported in **2022 SCC OnLine SC 1327 [State of Maharashtra and another vs Madhuri Maruti Vidhate (Since After Marriage Smt. Madhuri Santosh Koli)]**.

4.Heard the arguments advanced on either side and perused the materials available on record.



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5.Perusal of records reveal that the petitioner's father namely, G.S.Parasuraman was working as SWO in the fourth respondent bank and he died on 16.01.2022 while he was in service due to heart attack leaving behind his wife, son and daughter/ petitioner as his legal heirs. It is not disputed that the petitioner is a married woman and her marriage was performed prior to the death of her father.

6.The issue involved in the present case is no longer res integra and it has already been decided by the Hon'ble Apex Court in the decision reported in **2022 SCC OnLine SC 1327 [State of Maharashtra and another vs Madhuri Maruti Vidhate (Since After Marriage Smt. Madhuri Santosh Koli)]**, the relevant portion of which is extracted hereunder:

"8. The undisputed facts are that on the death of the deceased employee – father of the respondent, who died in harness, the mother of the respondent was given appointment on compassionate ground. The mother of the respondent died on 28.03.2006. That thereafter the elder married sister of the respondent made an application for appointment on compassionate ground, which came to be rejected in the year 2011 on the ground that being a



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married daughter, she cannot be said to be dependent on her deceased mother and therefore, she is not entitled to the appointment on compassionate ground. That after a period of seven years from the date of death of her mother, again, the respondent being the younger married daughter made an application for appointment on compassionate ground in the year 2013. In light of the aforesaid facts, the question posed is required to be considered.

9. While considering the issue involved in the present appeal, the law laid down by this Court on compassionate ground on the death of the deceased employee are required to be referred to and considered. In the recent decision, this Court in the case of *Director of Treasuries in Karnataka and Anr. Vs. V. Somyashree*, 2021 SCC Online SC 704, had occasion to consider the principle governing the grant of appointment on compassionate ground. After referring to the decision of this Court in *N.C. Santhosh Vs. State of Karnataka*, (2020) 7 SCC 617, this Court has summarised the principle governing the grant of appointment on compassionate ground as under:-

- (i) that the compassionate appointment is an exception to the general rule;
- (ii) that no aspirant has a right to compassionate appointment;



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(iii) the appointment to any public post in the service of the State has to be made on the basis of the principle in accordance with [Articles 14](#) and [16](#) of the Constitution of India;

(iv) appointment on compassionate ground can be made only on fulfilling the norms [laid down by](#) the State's policy and/or satisfaction of the eligibility criteria as per the policy;

(v) the norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment.

10. As per the law [laid down by](#) this Court in catena of decisions on the appointment on compassionate ground, for all the government vacancies equal opportunity should be provided to all aspirants as mandated under [Articles 14](#) and [16](#) of the Constitution. However, appointment on compassionate ground offered to a dependent of a deceased employee is an exception to the said norms. The compassionate ground is a concession and not a right.

11. In the case of [State of Himachal Pradesh and Anr. Vs. Shashi Kumar](#) reported in (2019) 3 SCC 653, this Court had an occasion to consider the object and purpose of appointment on compassionate ground and considered



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the decision of this Court in the case of [Govind Prakash Verma Vs. LIC](#), reported in (2005) 10 SCC 289, in paras 21 and 26, it is observed and held as under:-

"21. The decision in [Govind Prakash Verma](#) [[Govind Prakash Verma v. LIC](#), (2005) 10 SCC 289, has been considered subsequently in several decisions. But, before we advert to those decisions, it is necessary to note that the nature of compassionate appointment had been considered by this Court in [Umesh Kumar Nagpal v. State of Haryana](#) [[Umesh Kumar Nagpal v. State of Haryana](#), (1994) 4 SCC 138]. The principles which have been laid down in [Umesh Kumar Nagpal](#) [[Umesh Kumar Nagpal v. State of Haryana](#), (1994) 4 SCC 138] have been subsequently followed in a consistent line of precedents in this Court. These principles are encapsulated in the following extract: ([Umesh Kumar Nagpal](#) case [[Umesh Kumar Nagpal v. State of Haryana](#), (1994) 4 SCC 138], SCC pp. 139-40, para 2)

"2. ... As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the



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*Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications **laid down by** the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of*



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employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved viz. relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned."



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26. The judgment of a Bench of two Judges in *Mumtaz Yunus Mulani v. State of Maharashtra* [(2008) 11 SCC 384] has adopted the principle that appointment on compassionate grounds is not a source of recruitment, but a means to enable the family of the deceased to get over a sudden financial crisis. The financial position of the family would need to be evaluated on the basis of the provisions contained in the scheme. The decision in *Govind Prakash Verma* [*Govind Prakash Verma v. LIC*, (2005) 10 SCC 289 : 2005 SCC (L&S) 590] has been duly considered, but the Court observed that it did not appear that the earlier binding precedents of this Court have been taken note of in that case.”

12. Thus, as per the law laid down by this Court in the aforesaid decisions, compassionate appointment is an exception to the general rule of appointment in the public services and is in favour of the dependents of a deceased dying in harness and leaving his family in penury and without any means of livelihood, and in such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment



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is, thus, to enable the family to tide over the sudden crisis. The object is not to give such family a post much less a post held by the deceased.

13. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, to appoint the respondent now on compassionate ground shall be contrary to the object and purpose of appointment on compassionate ground. The respondent cannot be said to be dependent on the deceased employee, i.e., her mother. Even otherwise, she shall not be entitled to appointment on compassionate ground after a number of years from the death of the deceased employee.

14. Under the circumstances and in the facts and circumstances of the case narrated hereinabove, the Tribunal as well as the High Court have committed serious error in directing the appellants to appoint the respondent on compassionate ground. The judgment and order passed by the Tribunal confirmed by the High Court directing the appellants to consider the case of the respondent for appointment on compassionate ground after a number of years is unsustainable.

7. Applying the ratio laid down in the decision cited supra, this Court is of the opinion that the impugned order warrants no interference.



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8.The writ petition is dismissed. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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