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W.P.No.3994 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 3994 of 2023
&
W.M.P.No. 4049 of 2023

S.Meganadhan

...Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation
Ribbon building,
Chennai 600 003

2.The Assistance Executive Engineer/
Vehicle Workshop (South Chennai)
O/o. Department of Mechanical Engineering,
No.30, Athithanar Salai,
Pudhupet, Chennai 600 002.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records relevant to the order E.Po.Thu.Thu.Sa.Va.Pa No. A10/137/2022



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dated 20.10.2022 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, against the rule of law, natural justice and probabilities of the case and thereby direct the respondents to appoint the petitioner in the respondents department in any one of the post according to his educational qualification under the Compassionate Ground without any delay.

For Petitioner : Mr. R.Surya Prakash

For Respondents : Mr. S.Gopinathan
Standing Counsel

ORDER

Challenging the rejection of request for compassionate appointment, the petitioner is before this Court.

2. It is the case of the petitioner that his father, late G.Srinivasan was an employee in the respondent department as a Motor Mechanic. He had passed away in harness on 07.08.2017. The petitioner's mother Valli had predeceased her husband on 04.05.2010. The petitioner, his



younger brothers and Achammal, the said G.Srinivasan's mother were surviving legal heirs of the deceased Srinivasan. The petitioner's grand mother had immediately given a representation dated 25.11.2019, requesting compassionate appointment for the petitioner, he being an elder son. This representation was rejected on 10.01.2020 for the reason that 3 years from the date of his father's death, the petitioner had not attained majority.

3. The petitioner would submit that on his attaining the age of majority in the year 2022, he renewed the request. However, the 2nd respondent without considering the documents and the financial distress of the petitioner and his family rejected the said application. The petitioner submits that his entire family is depending on the income of the aged grand parents and the petitioner who has completed 10th std. is yet to secure a job. The earlier application of the petitioner was dismissed on the ground that he had not attained the age of majority and subsequent representation has been rejected on the ground that the earlier application had been rejected. Aggrieved thus, the petitioner is before this Court.



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4. The 2nd respondent has filed a counter affidavit inter alia contending that on the date of the application and within a period of 3 years from the date of death of his father, the petitioner had not attained majority. It is only in the year 2022 that he had attained majority.

5. The 2nd respondent would contend that as per GO.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the time limit prescribed for making an application for compassionate appointment was 3 years from the date of the government servant's death. The minimum age limit of the applicant at the time of the application should be 18 years. Therefore, the petitioner's request could not be considered.

6. The learned Standing Counsel for the respondents would rely upon the following judgements to buttress this argument:

(i) **CDJ 2000 SC 358** – Sanjay Kumar Vs. State of Bihar.

(ii) **CDJ 2023 MHC 018** – A.Petchiselvi Vs. The Superintending Engineer, Tirunelveli.



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7. Heard the learned counsels on either side and perused the records.

8. A compassionate appointment is one which is granted to family of the government servant who died in harness leaving his family in an indigenous circumstances to tide over their financial distress. It is also a welfare measure of the Government to help legal heirs of the deceased government servants, appreciating the services rendered by them.

9. The Government in GO.Ms.No.18 dated 23.01.2020, had issued comprehensive guidelines relating to compassionate appointment. As per guidelines, an application for compassionate appointment had to be made within a period of 3 years from the date of death of the government servant and the minimum age prescribed for submitting the application was 18 years.



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10. The Government Order further emphasis that the appointing authorities have to examine the financial condition of the deceased government servant and offer a job after satisfying themselves, that but for the provision of employment, the family will not be able to meet the crisis. The emphasis which has been made in the guidelines is that the appointment authority should consider the indigenous circumstances of the family of the deceased government servant. The judgements which have been relied upon by the respondents, are cases where the application itself was made after a belated stage.

11. In the instant case, the grand mother of the petitioner had made the application, within a period of 2 years from the date of death of the petitioner's father. Unfortunately, the petitioner was minor and his grand mother was over aged at the time of making this application. The deceased government servant had left behind him surviving 3 minor children and it is stated that the petitioner's grand parents are taking care of the petitioner and his minor brothers with very great difficulty. The petitioner has passed 10th std. and immediately on attaining the age of majority, he had made an application for



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compassionate appointment.

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12. Considering the fact that the petitioner had made an application in time earlier which has been rejected only on the ground that he was a minor and also taking into account the fact that the petitioner's family continuing indigenous circumstances, the 2nd respondent shall consider afresh the application of the petitioner taking note of the above circumstances and particularly taking into account the underlying object of the compassionate appointment.

13. Accordingly, this writ petition is allowed. The impugned order is quashed and the matter is remitted back with a direction to the 2nd respondent to consider afresh the application of the petitioner, on the lines mentioned supra. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No

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