



WEB COPY



WA.No.713/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WA.No.713/2022

G.Amutha

... Appellant

Vs.

1.The State of Tamil Nadu
rep.by the Secretary to Government
Public, Health and Family Welfare Department
Secretariat, Chennai-9.

2.The Director
Medical and Rural Health Services
Chennai 600 006.

3.The Director of Medical Education
Kilpauk, Chennai 600 010.

... Respondents

Prayer : Writ appeal filed under Clause 15 of Letters Patent against the order dated 10.03.2022 made in WP.No.5416/2022.

For Appellant

: Mr.S.Shrish for Mr.N.Maniharan



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For Respondents : Mr.M.Bindran, AGP

JUDGMENT

[Delivered by S.S.SUNDAR, J.,]

(1) This appeal is directed the order dated 10.03.2022 in WP.No.5416/2022 dismissing the writ petition filed by the appellant for issuance of a writ of certiorarified mandamus to quash the impugned order dated 01.12.2017 passed by the 2nd respondent and to direct the respondents to appoint the petitioner / appellant on compassionate ground.

(2) The appellant is the wife of one late Iyappan who was appointed as staff nurse on contract basis and consolidated pay by the 3rd respondent. He was posted to the Institute of Mental Health, Chennai and joined duty on 25.05.2011. The appellant's husband was transferred to Kanyakumari District and he was working at Kolachal between 04.01.2012 and 02.03.2015. It is the case of the appellant that her husband met with an accident on 03.03.2015 and died on the next day, i.e., on 04.03.2015. The appellant thereafter submitted a few representations seeking employment on compassionate ground and the representation was rejected by the order impugned in the writ petition on the ground that the appellant's husband



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was working on temporary and contract basis and therefore, the legal representatives of the temporary employees on consolidated pay are not entitled to seek appointment on compassionate ground. The said order was challenged by the appellant in the writ petition.

(3)The learned Single Judge relying upon G.O.Ms.No.18 dated 23.01.2020, held that the appellant is not entitled to seek employment on compassionate ground since her husband was working on contract basis. Aggrieved by the same, the present writ appeal is preferred by the appellant.

(4)The learned counsel for the appellant submitted that persons who joined along with the appellant's husband in 2011, were given the benefit of regularisation and their services have been regularised with effect from 12.03.2017. Learned counsel also relied upon G.O.Ms.No.42, dated 12.03.2007 and wanted this Court to infer that the appellant's husband would have been regularised along with others and therefore, she should be given the benefit of the Government Order enabling the legal representatives of the deceased employees to seek appointment on compassionate ground.



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(5)The law is well settled that compassionate appointment is not a source of recruitment and a person is entitled to get compassionate appointment only on the basis of rules that are framed by the establishment. It is not in dispute that the legal representatives of the persons who are under temporary appointment, consolidated pay, daily wages, contract appointments, whose services are not regularised, cannot seek appointment on compassionate ground.

(6)Clause 2.7 of G.O.Ms.No.42 dated 12.03.2007 reads as follows:-

"2.7.Dependents of only regular Government servants who died in harness shall be given appointment of compassionate grounds. No appointment on compassionate grounds shall be given to dependents of casual or adhoc or temporary Government servants appointed under Rule 10[a][i] of the Tamil Nadu State and Subordinate Services Rules."

(7)In view of the admitted facts, this Court is unable to find any error or irregularity in the order of the learned Single Judge dismissing the writ petition holding that the appellant is not entitled to seek appointment on compassionate ground.

(8)Accordingly, the writ appeal stands **dismissed** confirming the order of the



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learned Single Judge dated 10.03.2022 in WP.No.5416/2022. No costs.

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[S.S.S.R., J.] [C.S.N., J.]
06.02.2025

AP

Internet : Yes

To

- 1.The Secretary to Government
State of Tamil Nadu
Public, Health and Family Welfare Department
Secretariat, Chennai-9.
- 2.The Director
Medical and Rural Health Services
Chennai 600 006.
- 3.The Director of Medical Education
Kilpauk, Chennai 600 010.

S.S. SUNDAR, J.,
and
C.SARAVANAN, J.,

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