



W.P.No.20838 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.20838 of 2024

V.Dhanasekaran

... Petitioner

-Versus-

1.The State rep. by
Secretary to Government,
Revenue Department,
Secretariat, Chennai – 9.

2.The District Collector,
Ranipet District.

3.The Tahsildar,
Arcot Taluk Office,
Arcot,
Ranipet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in his proceedings in Na.Ka.A4/4588/2024 dated 9.5.2024 and quash the same and consequently direct the respondents to give appointment to the petitioner under compassionate ground for the post of Junior Assistant or any other suitable job, subsequent death of petitioner's father namely K.Venkatesan while he was in service, within a time frame.



WEB COPY



W.P.No.20838 of 2024

For Petitioner : *Mr.P.Murali*

For Respondents : *Mr.M.Shahjahan,*
1 to 3 *Special Government Pleader*

ORDER

The writ petition has been filed in the nature of a certiorarified mandamus calling for the records of the second respondent relating to the proceedings in Na.Ka.No.A4/4588/2024 dated 09.05.2022 and quash the same and direct the respondents to grant appointment to the petitioner under Compassionate Grounds for the post of Junior Assistant or any other suitable job.

2. The father of the petitioner was working as Village Assistant at Mulluvadi Village, Arcot Taluk, Ranipet District. While he was in service, he died on 16.07.2023. It had been stated that on 29.04.2004, the petitioner gave a representation seeking to be appointed on Compassionate Grounds to any commensurate post. This was rejected by the respondents by way of impugned proceedings by stating that the father of the petitioner who was working as Village Assistant was drawing Special Time Scale of Pay and therefore, cannot be considered as Government Servant and therefore, the petitioner cannot seek employment on Compassionate Ground.



W.P.No.20838 of 2024

WEB COPY 3. Heard the learned counsels.

4. The facts are not in dispute. The father of the petitioner was working as Village Assistant at Mulluvadi Village, Arcot Taluk, Ranipet District. He died on 16.07.2023 owing to sudden illness while in service. The petitioner had made an application seeking compassionate appointment within the stipulated period of three years on 29.04.2024.

5. However, the respondents had rejected the same stating that the father of the petitioner cannot be categorised as a Government Servant, since he was drawing Special Time Scale of Pay. They placed reliance on GO.Ms.No.33, Labour Welfare and Skill Development (Q1) Department dated 08.03.2023. In the Appendix to that particular Government Order, the definition of Government Servant had been given and it is as follows:

*“ (d) “Government servant” means a person who had been appointed to any service or post in connection with the affairs of the State and includes a probationer, an approved probationer and a full member of a service:
Provided that the following persons shall not be considered as a Government Servant for the purpose of*



WEB COPY



W.P.No.20838 of 2024

these rules, namely:-

(i) a person who is retained in service under clause (c) of sub-rule (1) of rule 56 of the Fundamental Rules;

(ii) a person who is on extension of service or re-employment;

(iii) a person who is appointed on casual, ad-hoc or contract basis on consolidated pay or daily wages;

(iv) a person who is not placed under regular time scale of pay; and

(v) a person who is appointed to any post on special time scale of pay.

Explanation.- A Government servant whose services are placed at the disposal of a company, corporation, organization, local authority, another State Government or the Union Government shall, for the purpose of these rules, be deemed to be a Government servant, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the State; ”

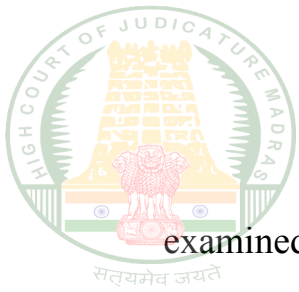
6. It is contended that since the father of the petitioner as Village Assistant was drawing a special time scale of pay, the petitioner cannot seek employment on compassionate grounds.



W.P.No.20838 of 2024

WEB COPY 7. However, the respondents must also have to consider the fact that a Division Bench of this Court in W.A.No.2594 of 2023, P.Iyappan v. the Special Commissioner and Commissioner of Revenue Administration, Chepauk, Chennai by judgment dated 29.11.2023 had examined the case of grant of Compassionate Appointment to the son of a Village Assistant. In that case, the father of the appellant therein was working as Village Assistant in Kizhpatti Village, Gudiyatham Taluk, Vellore District. The issue raised in that particular case was that the father of the appellant therein was working under special time scale of pay, and that the application was given with delay. The Division Bench had examined that particular aspect and allowed the writ appeal. as a concept they had directed that the ward of a Village Assistant could seek to be appointed on compassionate ground.

8. The learned counsel for the petitioner also had pointed out the orders of the learned Single Judge in W.P.No.27139 of 2021 in M.Anantha Babu v. The District Collector, Salem dated 13.02.2024 and also in WP(MD).No.30760/2023 in A.Karpaga Arul Kuzhali v. The District Collector, Pudukkottai District dated 12.06.2024, wherein the learned Single Judge had



W.P.No.20838 of 2024

examined the grant of Compassionate appointment for the ward of Village

Assistant. It is thus seen that the application sought by the ward of the Village Assistant seeking appointment on Compassionate Grounds has not been rejected on the ground that the Village Assistant was working under special time scale of pay.

9. In view of the aforementioned orders of this court, I would set aside the impugned order and remand the matter back to the respondents for fresh consideration on the basis of the aforementioned orders. The respondents may issue a notice to the petitioner and grant an opportunity of personal hearing and at that time, the petitioner may place reliance on the aforementioned orders of the Division Bench and of the learned Single Judge of this Court. The respondent may pass fresh orders. Such exercise is to be completed within a period of four months from the date of receipt of a copy of this order.

10. The writ petition stands allowed. No costs.

28.03.2025

nl

Index : Yes/No

6 of 9



W.P.No.20838 of 2024

Speaking order/Non speaking order
Neutral Citation : Yes/No

WEB COPY

To

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai – 9.
- 2.The District Collector,
Ranipet District.
- 3.The Tahsildar,
Arcot Taluk Office,
Arcot,
Ranipet District.



WEB COPY



W.P.No.20838 of 2024

C.V.KARTHIKEYAN, J.

nl

W.P.No.20838 of 2024



WEB COPY



W.P.No.20838 of 2024

28.03.2025