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W.A.No.3400 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.3400 of 2025

1. The State of Tamil Nadu
Rep. By its Secretary
Department of Highways and Minor Ports
Fort St. George, Chennai – 600 009.
 2. The Director of Highways
College Road, Chennai – 600 006.
 3. The Superintending Engineer
Highways Department
Madras Circle, Chennai – 600 032.
 4. The Divisional Engineer
Highways Department
Construction and Maintenance
Perambalur – 621 212.
 5. The Assistant Divisional Engineer
Highways Department
Construction and Maintenance, Veppanthattai
Perambalur. .. Appellants
- Vs.
- P.Madhavan .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 14.11.2024 made in W.P.No.24507 of 2024.

For the Appellant : Mr.E.Veda Bagath Singh
Special Government Pleader



W.A.No.3400 of 2025

JUDGMENT

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(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 14.11.2024 made in W.P.No.24507 of 2024.

2. That the respondent/writ petitioner was a minor when his father, one *M.Palaniyandi*, died in harness in the year 2015, that is on 09.02.2015, while he was working at the appellant Department. Since the respondent/writ petitioner's date of birth is 05.03.2004 and at the date of death of his father, he was only eleven years old, even then, on his behalf, an application has been submitted on 11.05.2017, seeking compassionate appointment, however, since he was a minor at that time, that was not considered.

3. Thereafter, he attained majority in the year 2022 and immediately, without any further delay, he had made a fresh application to consider his case for compassionate appointment. That was rejected through the order impugned before the Writ Court dated 27.06.2023 stating that it is a belated application. When this was questioned, the learned Judge of the Writ Court has traced the aforesaid facts and had given directions to the appellant



W.A.No.3400 of 2025

Department to consider the application submitted by the respondent/writ petitioner and to pass appropriate orders, if he is eligible with regard to the age alone and the present appellants shall provide appointment to the respondent/writ petitioner on compassionate ground as an extraordinary one within a period of twelve weeks.

4. *Mr.E.Veda Bagath Singh*, the learned Special Government Pleader appearing for the appellants would canvass the point that, the appellants are aggrieved because of the positive direction given in this regard by the learned Judge in the operative portion of the order which is impugned herein. That is the reason why, the present appeal has been filed, he contended.

5. We have heard the learned Special Government Pleader for the appellants and we have gone through the order impugned.

6. Even though at the time of the death of the father of the respondent/writ petitioner, the Rule was that, within three years from the date of death, the application should be made and at the time of making the application, the job seeker must be a major. Even though this Rule was prevailing some time in 2015 or 2018,



W.A.No.3400 of 2025

but, subsequently in the year 2023, the Government, having considered these issues in detail, has come out with the Rules called the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, by which, a specific provision has been made stating that, even a minor could make an application, however, the application shall be kept pending by the employer and only after attaining majority alone, that application would be taken up and processed.

7. Therefore, such kind of leverage since has been given now by the present Rules, which, of course, would have a prospective effect from 2023, we feel that insofar as the penurious situation and indigent circumstances that is faced by the family of the deceased, where, the present respondent/writ petitioner is the eldest son and he has to take care of the whole family and to nurture the other younger siblings who are also still minors, such pathetic situation cannot be lost sight of by the appellant employer. The appellant employer being a model employer must give credence to these issues and they must consider the application submitted by the respondent/writ petitioner on sympathetic grounds, as the appointment itself has been sought only on compassionate grounds.



W.A.No.3400 of 2025

8. Therefore, to that extent, we slightly modify the order passed by the Writ Court by giving directions to the appellant Department to consider the application submitted by the respondent/writ petitioner and pass appropriate orders by taking into account the indigent circumstances of the family of the deceased, which is to be shouldered only by the present respondent/writ petitioner. Also by taking into account all the observations that have been made by the learned Judge as well as the observations which we have made in this order and accordingly, pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With these directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, C.M.P.No.27730 of 2025 is closed.

(R.S.K., J.) (S.S.A., J)
02.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
Index: Yes/No



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.
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