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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE **VIVEK KUMAR SINGH**

Writ Petition No.28716 of 2022
a n d
W.M.P.No.28012 of 2022

Vignesh ... Petitioner

Vs

1. The Principal Secretary
   to Government of Tamil Nadu
   Housing & Urban Development Department
   Secretariat
   Chennai 600 009.

2. The Deputy Secretary (Administration)
   Tamil Nadu Housing Board
   493 Anna Salai, Nandanam
   Chennai 600 035.

3. The Manager
   Tamil Nadu Housing Board
   No.493 Anna Salai, Nandanam
   Chennai 600 035.

4. The Administrative Officer
   Tamil Nadu Housing Board
   493 Anna Salai, Nandanam
   Chennai 600 035. ... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the fourth respondent to his impugned order in Letter No.Pa.Tho.Nu.3/15760/2013-2 dated 22/3/2022, quash the same and consequently direct the respondents 2 to 4 to give employment to the petitioner under compassionate appointment within a time limit stipulated by this Court.

For petitioner ... Mr.K.Krishnan

For respondents ... Mr.N. Naveen Kumar
Government Advocate
for R.1

Mr.V.Logesh
Standing Counsel
for TNEB
for R.R.2 to 4.

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O R D E R

This writ petition has been filed to quash the order dated 22/3/2022 passed by the fourth respondent in Letter No.Pa.Tho.Nu.3/15760/2013-2 and consequently direct the respondents 2 to 4 to give employment to the

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petitioner under compassionate appointment.

2. The case of the petitioner is that his father worked as a Driver in Tamil Nadu Housing Board unit, Mogappair, Chennai. While the petitioner's father was in service, he died on 30/5/2013. Immediately, the petitioner's mother made a representation to the second respondent on 13/8/2013, seeking compassionate appointment. On 6/9/2013, Tamil Nadu Housing Board, called for documents from the petitioner. Though the petitioner and her mother have sent all the relevant documents, there is no reply from the respondents. Therefore, the petitioner has again sent a representation dated 13/4/2019 to the second respondent. Since the same has not been considered, the petitioner has filed W.P.No.15777 of 2019 to direct the second and third respondents to consider the petitioner's representation dated 13/4/2019 and consequently direct the second respondent to give employment on the ground of compassionate appointment to the petitioner. Vide, order dated 27/9/2019, this Court had directed the respondents 2 and 3 to consider the representation of the petitioner, within a period of twelve weeks from the date of the said order.

3. Again, the petitioner had submitted a representation to the second and fourth respondents on 21/1/2022, and vide, order dated 22/3/2022,

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fourth respondent had rejected the claim of the petitioner on the ground of unlawful second marriage/children born out of the said marriage is void. Hence, the petitioner had filed the instant writ petition.

4. The Secretary & Personnel Officer, Tamil Nadu Housing Board has filed counter affidavit on behalf of the third respondent, wherein it is stated that even the comprehensive guidelines issued by the Government in Labour & Employment Department, in their G.O.Ms.No.18 dated 23/1/2020 do not contain any provision to consider the children born out of void marriage for appointment under compassionate ground.

5. Heard Mr.K.Krishnan, learned counsel for the petitioner, Mr.N.Naveen Kumar, learned Government Advocate for the first respondent and Mr.V.Logesh, learned Standing Counsel for TNHB for the respondents 2 to 4.

6. The learned counsel appearing for the petitioner submitted that the children born through illegitimate marriages are entitled for the compassionate appointment. Illegitimate marriage of the petitioner's parent, cannot stand as a stumbling block for the dependent to get employment.

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7. The learned counsel appearing for the respondents 2 to 4 submitted that the rejection was made in accordance with the rules and regulations in force. Compassionate appointment scheme is a non-statutory scheme and is in the form of a concession and it cannot be claimed as a matter of right by the claimant to be enforced through a writ proceeding.

8. Perused the materials available on record.

9. In ***STEEL AUTHORITY OF INDIA LIMITED Vs. MADHUSUDHAN DAS AND OTHERS (2008) 15 SCC 560***, the Hon'ble Supreme Court, at para No.15 has held that "appointment on compassionate ground offered to a dependant of a deceased employee is an exception to the said Rule. It is a concession, not a right. Sympathy cannot be allowed to override statutory or Constitutional provisions, particularly when it is quality of the question of welfare of the entire society and question of Governance. Compassionate ground appointment can't be claimed as a matter of right. It is a scheme devised by the Government to help the needy legal heirs whose lives are at distress after the Government Servant dies in harness.

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VIVEK KUMAR SINGH,J

mvs.

10. In such a view of the matter, this writ petition is dismissed. No costs. Consequently, connected W.M.P.No.28012 of 2022 is closed.

6/1/2025

mvs.

Index: yes/No

Neutral Citation: Yes/No

To

1. The Managing Director
   Tamil Nadu Civil Supplies Corporation
   12 Thambusamy Salai, Kilpauk
   Chennai 10.
2. The Regional Manager
   Tamil Nadu Civil Supplies Corporation
   Chennai South Region
   Gopalapuram
   Chennai 600 086.
3. The Senior Regional Manager
   Tamil Nadu Civil Supplies Corporation
   No.7 Conron Smith Road
   Gopalapuram

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