



W.A.No.443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.No.443 of 2023

Rajkumar

... Appellant

-Vs-

1. The Home Secretary,
Government of Tamil Nadu,
Office of the Home Secretary,
St.George Fort,
Chennai - 600 009.
2. The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

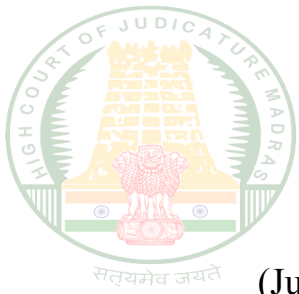
... Respondents

PRAYER : Appeal filed under Clause XV of the Letters Patent, against the order dated 17.08.2022 made in W.P.No.30622 of 2015.

For Appellant : Mr.K.Mahendran

For Respondents : Mr.M.Venkateswaran
Special Government Pleader

J U D G M E N T



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

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This intra Court appeal has been directed against the order dated 17.08.2022 made in W.P.No.30622 of 2015.

2. That the appellant Rajkumar was the writ petitioner who had approached the writ Court challenging the order of rejection of compassionate appointment passed by the third respondent dated 24.06.2014.

3. The appellant's mother one Rajammal initially joined as Part-time Sweeper on 05.07.1982 at the respondent Department, i.e., office of the Commissioner of Police, Vepery Chennai. After having service for about 27 years, her service was regularised with effect from 01.08.2009 of course pursuant to the Government Order issued in this regard in G.O.(Ms)No.653, Home Department dated 07.08.2009.

4. Thereafter on 20.03.2014, while she was in service, the mother of the appellant died, hence the appellant submitted an application on 28.05.2014 seeking compassionate appointment which was rejected through the impugned order before the writ Court dated 24.06.2014 on the ground that the mother who died was the temporary employee, therefore, the appellant / petitioner is not



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covered under the compassionate appointment scheme, hence, the appellant's

plea to get the compassionate appointment was rejected.

5. While considering the issue, the writ Court after having perused the original file which was produced by the respondents side found that, at the time when the mother died, the father of the appellant also was working as a permanent employee in the same Department. Subsequently he retired and was receiving the pension also.

6. Therefore the reason was found out by the learned Judge to state that at the time when the mother of the appellant died, the father was working as a government employee on permanent basis and was getting the salary, subsequently on superannuation, he retired and continued to get the pension. When that being so, as per the compassionate appointment scheme, the legal heir of the deceased employee cannot seek such compassionate appointment if any other legal heir of the deceased employee is already employed either in the Government or in private sector on permanent basis for getting salary or pension as the case may be.

7. Only because of this reason, the learned Judge of the writ Court has



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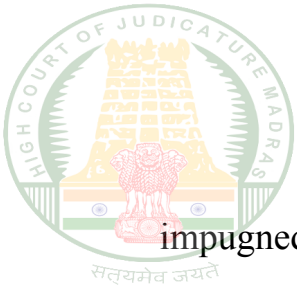
sustained the order impugned before it dated 24.06.2014.

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8. We do not find any error in the said approach of the learned Judge as the reason originally cited in the order dated 24.06.2014 may not be justifiable because the deceased employee, i.e., mother of the appellant was the permanent employee, therefore that reason stated by the respondent Department that since she was the temporary employee, the appellant is not entitled for the compassionate appointment, is not correct.

9. But at the same time, it is to be noted that, not only the mother but also the father of the appellant since was working in the same Department and once the mother died, that would not give right to seek such compassionate appointment on behalf of any other legal heirs unless and until it is the case where no other legal heir is working in the Government or private sector on permanent basis.

10. In view of the aforestated facts, since the learned Judge has refused to interfere with the order impugned before the writ Court and thereby dismissed the writ petition through the impugned order dated 17.08.2022, we are also in agreement with the said view of the learned Judge and thereby the order



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impugned is to be sustained and accordingly it is sustained. Resultantly, the

Writ Appeal fails and hence, it is dismissed. However, there shall be no order as

to costs.

(R.S.K., J.) (A.D.M.C., J.)
10.03.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Home Secretary,
Government of Tamil Nadu,
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2. The Director General of Police,
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**R.SURESH KUMAR, J.
and
A.D.MARIA CLETE, J.**

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