



W.P.No.31958 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.31958 of 2023

1. Rajakala Devi
2. R.K.Shankar Srikanth

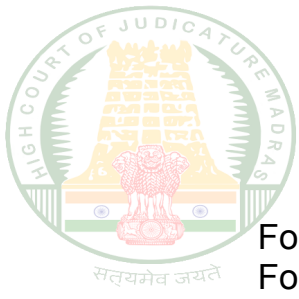
... Petitioners

Vs.

1. The State of Tamilnadu rep. By its
Secretary to Government,
Public Department,
Fort St.George, Chennai – 9
2. The Secretary to Government,
Human Resources Management Department,
Fort St. George, Chennai – 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in pursuant to the 1st impugned order issued by the 1st respondent in Letter No.25938/Nir.1(MA) SA.MA/2017-1 dated 10.08.2017, 2nd impugned order issued by the 1st respondent in Letter No.19274/Nir.1.(MA) SA.MA/2018-1 dated 06.06.2018, 3rd impugned order issued by the 1st respondent in Letter No.29791/NIR.1(MA) SA.MA/2018-10 dated 12.02.2020 and the subsequent 4th impugned order issued by the 1st respondent in Letter No.522/NIR.1(MA) SA.MA/2022-1 dated 03.02.2022 and to quash these orders and to consequently direct the respondents to appoint the petitioner in any suitable post on compassionate grounds.



W.P.No.31958 of 2023

For Petitioners
For Respondents

: Mr.R.Prem Narayan
: Mr.T.M.Rajangam
Government Advocate (Education)

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ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records in pursuant to the 1st impugned order issued by the 1st respondent in Letter No.25938/Nir.1(MA) SA.MA/2017-1 dated 10.08.2017, 2nd impugned order issued by the 1st respondent in Letter No.19274/Nir.1.(MA) SA.MA/2018-1 dated 06.06.2018, 3rd impugned order issued by the 1st respondent in Letter No.29791/NIR.1(MA) SA.MA/2018-10 dated 12.02.2020 and the subsequent 4th impugned order issued by the 1st respondent in Letter No.522/NIR.1(MA) SA.MA/2022-1 dated 03.02.2022 and to quash these orders and to consequently direct the respondents to appoint the petitioner in any suitable post on compassionate grounds.

2. The brief facts of the case, as averred by the petitioners are as follows:-

(i) The 1st petitioner, is the wife of one Kumaravelu, who was working as under Secretary in the Department of Public (Election), Government of Tamilnadu and died while in service on 17.04.2011, leaving behind the 1st petitioner/wife, 2nd petitioner/elder son and one younger son. At the time of death of the deceased, the sons of the deceased were minor, aged about 13 and 3



W.P.No.31958 of 2023

years respectively. Hence the 1st petitioner submitted an application on 11.05.2011 for compassionate appointment. In the meanwhile, the 1st petitioner met with an accident and suffered head injury and was in a very poor health condition.

(ii) The 1st respondent herein vide letters dated 10.08.2011, 10.09.2011, 02.11.2011, 27.7.2012, 18.11.2013 and 08.05.2014 has directed the 1st petitioner to submit all original certificates for the purpose of processing the application for compassionate appointment. Due to the accident sustained by the 1st petitioner, she was not able to submit the original certificates. Therefore, the 1st respondent had issued letter dated 08.08.2014 by stating that the application for compassionate appointment cannot be processed, as the 1st petitioner has not submitted the requisite documents.

(iii) Subsequently, the son of the deceased, 2nd petitioner attained majority, therefore, he has submitted a representation to the 1st respondent on 28.06.2017 by requesting him to appoint the 2nd petitioner herein, on compassionate grounds and the same was rejected indicating that the 2nd petitioner has not submitted his application for compassionate appointment within 3 years from the date of death of deceased government servant. Aggrieved by all the orders impugned, the petitioners have come up with the present Writ Petition.



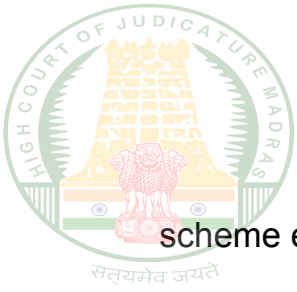
W.P.No.31958 of 2023

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3. The learned counsel for the petitioners would submit that the 1st petitioner's claim that she could not accept the job on compassionate grounds due to her poor health conditions which was caused due to an accident was also admitted by the respondents. When that being so, the respondents ought to have granted appointment on compassionate grounds to the 2nd petitioner, thereby pleaded to allow the present petition.

4. On the contrary, the learned Government Advocate appearing for the respondents submits that the 1st petitioner had submitted an application to the Government on 11.05.2011 seeking an appointment for her on compassionate grounds, but along with her application, she had not furnished all the required documents. Further, the 1st petitioner vide letter dated 28.06.2017 had again requested to appoint her son / the 2nd petitioner herein on compassionate grounds.

5. Further, the learned Government Advocate appearing for the respondents would contend that a rule cannot be changed on individual basis. Compassionate ground appointments in this State are governed by G.O.(Ms) No.18, Labour and Employment Department dated 23.01.2020, which is a



W.P.No.31958 of 2023

scheme established by the government to help the needy legal heirs, whose lives are at distress after the Government servants dies in harness, thereby pleaded to dismiss the petition.

6. Heard the learned counsel appearing on either side and perused the documents placed on record carefully.

7. It is an admitted fact that 1st petitioner is the wife of one Kumaravelu, who was working as under Secretary in the Department of Public (Election), Government of Tamilnadu and died while in service on 17.04.2011, leaving behind the 1st petitioner/wife, 2nd petitioner/elder son and younger son. Since during the death of the deceased, the sons of the deceased were minor, aged about 13 and 3 years respectively, the 1st petitioner submitted an application on 11.05.2011 for compassionate appointment, which is well within the period. In the meanwhile, the 1st petitioner met with an accident and suffered head injury and was in a very poor health condition. Hence the 1st petitioner was not able to submit the documents as per the letters dated 10.08.2011, 10.09.2011, 02.11.2011, 27.7.2012, 18.11.2013 and 08.05.2014 issued by the 1st respondent.

8. It is to be noted that subsequently, the son of the deceased, 2nd petitioner attained the age of majority, therefore, he has submitted a



W.P.No.31958 of 2023

representation to the 1st respondent on 28.06.2017 by requesting to appoint the 2nd petitioner herein, on compassionate grounds and the same was rejected indicating that the 2nd petitioner has not submitted his application for compassionate appointment within 3 years from the date of death of deceased government servant.

9. It is relevant to point out that the 1st petitioner, being wife of the deceased has approached the authority for compassionate appointment within a prescribed period and since the 1st petitioner unfortunately met with an accident and suffered severe head injury, her health condition has become very poor, therefore, she has requested for compassionate appointment for her son, viz., 2nd petitioner.

10. Considering the above said facts and circumstances of the case and taking note of the fact that the 1st petitioner, wife of the deceased has applied for compassionate appointment within the time limit and since she met with an accident, she cannot join the office of the respondents and requested compassionate appointment for the 2nd petitioner, this Court is inclined to direct the 1st petitioner, wife of the deceased to submit a fresh representation along with relevant documents/medical records to establish that she sustained head injuries and could not join the office due to the said head injury and on receipt of the



W.P.No.31958 of 2023

same, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order. Further, taking into consideration of the indigent circumstances, which the petitioners have undergone, this Court is of the view that the respondents shall consider the petitioners' claim as per G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020. Though G.O.Ms.No.33 dated 18.03.2023 indicates that appointment shall not be provided unless the applicant completes 18 years of age, taking note of the fact that the mother of the 2nd petitioner [deceased wife] has made an application at the earlier point of time, the same shall also be considered in the light of G.O.Ms.No.33 dated 08.03.2023.

In the result, the Writ Petition is disposed of. No costs.

13.02.2025

Index : Yes / No; Internet : Yes / No

Speaking Order / Non Speaking Order

ssd

To

1. The State of Tamilnadu rep. By its
Secretary to Government,
Public Department, Fort St. George, Chennai – 9
2. The Secretary to Government,
Human Resources Management Department,
Fort St. George, Chennai – 9.



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W.P.No.31958 of 2023

V.BHAVANI SUBBAROYAN, J.

ssd

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