



WEB COPY

W.P.No.32460 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No. 32460 of 2024
and
W.M.P.No.35250 of 2024

M.Vinothkumar

...Petitioner

Vs.

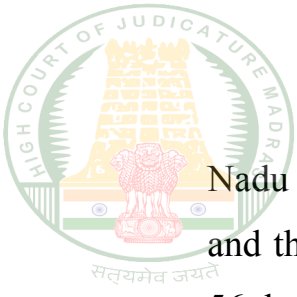
1.The Registrar General,
High Court of Judicature at Madras,
Chennai - 600 104.

2.The Principal District Judge,
Kancheepuram District at Chengalpattu.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent vide Letter No.8652/23 (Aa.No.523/22) dated 13.12.2023, quash the same and consequently direct the first and second respondents to consider the petitioner's application for compassionate appointment made on 09.02.2024 in accordance with law, particularly considering the provision (v) coming under the heads of eligible issues / relatives for compassionate appointment of G.O.Ms. No.18 Labour and Employment (Q1) Department, dated 23.01.2020 and Rule (3) Sub Rule (3) and proviso to sub Rule (c) of Tamil

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Nadu Civil services (Appointment on Compassionate Grounds) Rules 2023 and the letter from the Commandant-77 BN, CRPF, Poonamallee, Chennai-56 dated 13.03.2024.

For Petitioner : Mr.M.Baskaran

For Respondents : Mr.Arjun Suresh, Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The request for compassionate appointment made by the petitioner on the death of his mother, in harness, on 01.04.2022 was rejected by the Authority on the ground that the petitioner's father is in Government service and therefore, in terms of G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 the petitioner is not entitled to compassionate appointment.

2. The learned counsel for the petitioner would however draw our attention to the exclusion that is made in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, which shows that if any dependent or dependents of the deceased Government servant are employed in military service one of the other dependent is eligible for appointment on compassionate grounds. According to the learned counsel, since the

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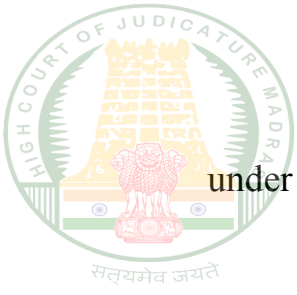


petitioner's father is working in CRPF, which is akin to military service, he should be treated as one working in military service and benefits of the Government Order should be extended to the petitioner.

3. We are unable to agree, The purpose of compassionate appointment as has been laid down in long line of judicial precedents that are available is only to alleviate the indigent circumstance in the family of the Government Servant, due to the untimely passing away of the Government servant. The family being in indigent circumstance is an essential condition. If the petitioner's father is working in CRPF and earning salary that itself would show that the family is not in indigent circumstance. Therefore, exclusion of families where one of the dependents is employed in Government service cannot be said to be un-just.

4. The contention of the learned counsel that the service in CRPF is akin to military service cannot also be accepted, since the Government which framed the guidelines for compassionate appointment had chosen to exclude only military service and not any services akin to it. We cannot substitute our discretion in the place of the discretion of the Government and include services which are specifically excluded in order to grant the benefit

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under the Government Order.

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5. Hence, we see no merit in this Writ Petition. The Writ Petition fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
20.02.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To:

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and
G.ARUL MURUGAN, J.

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