



WEB COPY



W.A No. 2891 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WA No. 2891 of 2025 AND CMP NO. 23444 OF 2025

The District Collector
Villupuram District, Villupuram

..Appellant

Vs

1. Saraswathi
W/o.Late Jaishankar, Mariamman Koil Street,
Senthanur Village, Villupuram District.
2. The Block Development Officer
Koliyanur Panchayat Union, Villupuram District

..Respondents

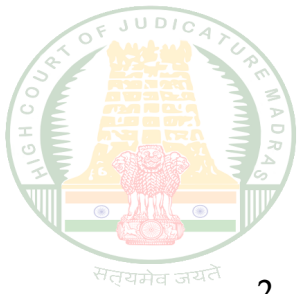
Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 03.07.2024 made in WP No.17542 of 2024.

For Appellant : Mr.E.Veda Bagath Singh
Special Government Pleader
For Respondents : Mr.A.Baskaran - for R1
Mr.E.Vijay Anand
Additional Government Pleader - for R2

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

The present appeal has been directed against the order passed by the writ Court dated 03.07.2024 made in W.P.No.17542 of 2024.



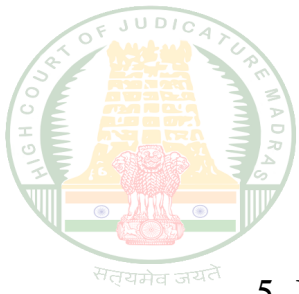
W.A No. 2891 of 2025

WEB COPY

2. The first respondent / writ petitioner's husband one Jaishankar was working as Panchayat Secretary under the second respondent he suddenly died on 10.01.2014. Thereafter, the first respondent / writ petitioner made an application on 03.02.2014 seeking compassionate appointment. That application was returned after several years on 08.08.2022 seeking for some details. In the meanwhile, the Government issued G.O.Ms.No.102, Rural Devel and Panchayat Raj (E5) Department dated 13.07.2015, whereby the eligibility of compassionate appointment has been extended to the legal heirs of the deceased Panchayat Secretaries also, that means, prior to the issuance of such Government Order, such eligibility was not available for those legal heirs of the deceased Panchayat Secretaries.

3. Only in this context, the learned Judge allowed the writ petition through the impugned order, whereby a positive direction has been given under which the legal heirs of the deceased employee shall be given appointment on compassionate grounds, as against which the present appeal has been directed.

4. Heard the learned Special Government Pleader and the learned counsel for the first respondent.



W.A No. 2891 of 2025

WEB COPY

5. Insofar as the eligibility to seek compassionate appointment by the first respondent / writ petitioner being the widow of the deceased employee who was working as Panchayat Secretary is concerned, that position has now been cleared by the issuance of the Government Order in G.O.Ms.No.102 dated 13.07.2015. However, merely because such eligibility has come to the first respondent / writ petitioner it does not *ipso facto* would make her entitle to get a positive direction from the court of law unless and until the Court threadbare discussed the issue and came to such a conclusion.

6. Therefore, insofar as the positive direction is concerned, we do feel that it requires some modification. If at all the writ Court has issued a Mandamus, such a Mandamus should have been issued by giving a direction to the employer to consider the application submitted by the writ petitioner and decide the same on merits and in accordance with law especially in the context of the eligibility of the writ petitioner in view of G.O.Ms.No.102 dated 13.07.2015. To that extent, the impugned order is to be modified.

7. In view of the same, the following orders are passed in this writ appeal that, there shall be a direction to the appellant as well as the second respondent to consider the application submitted by the first respondent / writ petitioner dated



W.A No. 2891 of 2025

WEB COPY

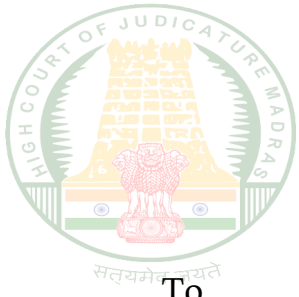
03.02.2014 in the light of G.O.Ms.No.102, Rural Development and Panchayat Raj (E5) Department dated 13.07.2015 subject to the availability of vacancy to fill up under the compassionate ground either at the block level or at the district level and accordingly orders can be passed by the appellant as well as the second respondent either jointly or as the case may be individually, within a period of two months from the date of receipt of a copy of this order.

8. With the above modification to the impugned order, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)
10-10-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



W.A No. 2891 of 2025

To
WEB COPY

1. The Block Development Officer
Koliyanur Panchayat Union, Villupuram District
2. The District Collector
Villupuram District, Villupuram



WEB COPY



W.A No. 2891 of 2025

**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

KST

**WA No. 2891 of 2025
AND
CMP NO. 23444 OF 2025**

10-10-2025

Page 6 of 6