



W.P.No.29001 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM:

THE HONOURABLE MR JUSTICE K.SURENDER

W.P.No. 29001 of 2017 and

W.M.P.No.31232 of 2017

P.Ranjithkumar

S/o. (Late) N. Prabhu, No.30/42,

Perumalkoil Street, Sendamangalam,

Namakkal District

..

Petitioner

Versus

1. Government of Tamil Nadu

Rep. by Secretary to Government, Co-Operation, Food
and consumer Protection Department, Secretariat,
Chennai 600 0096

2. The Registrar of cooperative
Societies, Chennai 600 010

3. The Joint Registrar of
Co-operative Societies, Namakkal

4. The Deputy Registrar of



W.P.No.29001 of 2017

Co-operative Societies, (Public Distribution System),

Namakkal

..

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order of the fourth Respondent issued in his proceedings Na.Ka.No.303/2010/PDS.1 dated 11.01.2017, to quash the same and issue consequential directions to the Respondents to provide employment on compassionate grounds to the petitioner in any suitable post commensurate with educational qualification, consequent on the death of the petitioner father, Thiru N.Prabhu, on 25.01.2010 while in service as Jeep Driver in the office of the 4th Respondent.

For Petitioner : Mr.M.S.Ravi

For Respondent(s): Mrs.E.Ranganayaki, GA

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order of the fourth Respondent issued in his proceedings Na.Ka.No.303/2010/PDS.1 dated 11.01.2017, to quash the same and issue consequential directions to the Respondents to provide employment on



W.P.No.29001 of 2017

WEB COPY

compassionate grounds to the petitioner in any suitable post commensurate with educational qualification, consequent on the death of the petitioner father, Thiru N.Prabhu, on 25.01.2010 while in service as Jeep Driver in the office of the 4th Respondent.

2. The facts, in brief, necessary for disposal of the present Writ Petition, are that the father of the petitioner, Thiru N.Prabhu came to be appointed as a Jeep Driver in the Office of the Deputy Registrar of Co-operative Societies (PDS), Namakkal vide appointment letter, dated 24.05.2009 issued by the Deputy Registrar of Co-operative Societies. As per the appointment letter, the appointment of the petitioner was purely temporary and the pay scale is Rs.5200-20200+GP Rs.2000/-. He was directed to secure a medical fitness certificate from a Doctor and furnish the same while joining the post. It is also mentioned in the appointment letter that if any irregularity is found in his education and other certificates, he will



W.P.No.29001 of 2017

WEB COPY

be terminated without any notice. He joined duty on 01.07.2009 and while in service, on 25.01.2010, he died due to heart attack. The petitioner, who is the son of the deceased employee, made an application, seeking appointment on compassionate grounds. Based on his application, a clarification was sought for by the Deputy Registrar from the Government as to whether the petitioner was eligible for compassionate appointment. The Government, vide letter dated 05.12.2016, gave the clarification that as per G.O.Ms.No.560 Department of Labour and Employment, dated 03.08.1977, the petitioner was not eligible for appointment. The relevant portion of the G.O. reads as under:

“Dependents of the temporary Government servants appointed under 10(a)(i) of the General Rules for the Tamil Nadu State and Subordinate Services, who die in harness are not eligible for concession under the Government Order.”



W.P.No.29001 of 2017

WEB COPY

Therefore, the appointment of the petitioner was denied on the ground that the appointment of the petitioner's father falls within provision of Rule 10(a)(i) of the General Rules for the Tamil Nadu State and Subordinate Services. Rule 10(a)(i) reads as under:

“10. Temporary appointments:- (a) (i) Where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of a service, class or category and there would be undue delay in making such appointment in accordance with these rules and the Special Rules, the appointing authority may temporarily appointment a person, who possesses the qualifications prescribed for the post otherwise in accordance with the said rules.”

Provided that no appointment @ by direct recruitment under this clause shall be made of any person other than the one sponsored by the Tamil Nadu Public Service Commission from its regular or reserve list of successful candidates to any of the posts within the purview



W.P.No.29001 of 2017

of the Tamil Nadu Public Service Commission.”

WEB COPY

3. As seen from the above Rule, temporary appointments can be made where it is necessary in the public interest owing to emergency and the vacancy has to be filled up immediately. Such appointments can be made giving a go by to the Rules and Special Rules. However, proviso to the Rule bars that no appointment by direct recruitment under Rule 10 shall be made other than one sponsored by the Tamil Nadu Public Service Commission.

4. The learned counsel appearing for the petitioner would submit that the appointment of the petitioner's father does not fall within the Rule 10(a)(i) since the post of the Driver will not be subject matter of any appointment by the Tamil Nadu Public Service Commission, but such appointments shall be subject to sponsorship by the Employment Exchange. Therefore, the learned counsel for the petitioner would submit that since the



W.P.No.29001 of 2017

WEB COPY

deceased employee was sponsored by the Employment Exchange and got selected after coming out successfully in the interview, his recruitment will fall within the purview of Rule 10A and the denial of the compassionate ground appointment to the petitioner on the ground that the appointment of the petitioner's father falls under Rule 10(a)(i) cannot be sustained.

5. The learned Government Advocate appearing for the respondents would submit that as seen from the appointment letter, it is clear that appointment of the petitioner's father as a Jeep Driver is purely temporary in nature and hence, the question of providing compassionate appointment to the petitioner does not arise. More over, the petitioner's father served only for a short period, i.e. six months and 25 days and as such, his service cannot be considered as regular service so as to provide concession of compassionate ground appointment, as such, denial of the same to the petitioner is proper, which requires no interference.



W.P.No.29001 of 2017

WEB COPY

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the records placed on record.

7. It is not in dispute that the appointment of the petitioner's father to the post of Jeep Driver in the Office of the Deputy Registrar, Public Distribution Scheme, Namakkal was made on being sponsored by the Employment Exchange. Rule 10(a)(i) refers to the temporary appointment being made in the public interest owing to an emergency and in this regard, rules may not be followed. However, Rule 10(A) refers to the recruitment to posts, which are outside the purview of the Tamil Nadu Public Service Commission and such recruitment shall be made only by calling for names of eligible candidates from the Employment Exchange. In the present case, admittedly, the recruitment of Jeep Driver came to be made by calling for



W.P.No.29001 of 2017

WEB COPY

names from the Employment Exchange and not through the Tamil Nadu Public Service Commission. Hence, the recruitment of the petitioner's father to the post of Jeep Driver, cannot be said to fall under Rule 10(a)(i), but it falls under Rule 10(A).

8. In view of the above discussion, the denial of concession of compassionate ground appointment to the petitioner on the ground that the appointment of the petitioner's father falls within the purview of Rule 10(a)(i) is incorrect and deserves to be set aside.

9. Accordingly, the Writ Petition is allowed and the impugned order dated 11.01.2017 of the fourth respondent is hereby set aside. The petitioner is at liberty to file a fresh application seeking compassionate ground appointment to the respondents and in the event of any such application is made by the petitioner, the respondents shall consider the



W.P.No.29001 of 2017

WEB COPY

same and pass appropriate orders keeping in view that the recruitment of the petitioner's father was made under Rule 10(A) and not under Rule 10(a)(i), within a period of eight (8) weeks from the date of receipt of the application being made by the petitioner. No costs. Consequently, connected WMP is closed.

K.SURENDER, J.

20.11.2025

Index:Yes/No

Neutral Citation:Yes/No

suk



W.P.No.29001 of 2017

To

1. Assistant General Manager/
Disciplinary Authority,
Indian Bank, Circle Office,
Salem-646305.

2. Assistant General Manager/
Concurrent Disciplinary Authority,
Indian Bank, Head Office,
Chennai-600 001.

3. Deputy General Manager/
Appellate Authority,
Indian Bank, Head Office,
Chennai-600 001.



WEB COPY



W.P.No.29001 of 2017

K.SURENDER, J.

suk

W.P.No.29001 of 2017



WEB COPY



W.P.No.29001 of 2017

20.11.2025