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W.P. No.37341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.37341 of 2024

and

W.M.P. Nos.40356 of 2024 and 30021 of 2025

P.Sasikumar

Petitioner

Vs

1. The Cheif Conservator of Forest,
Guindy-Velachery Main Road,
Guindy, Chennai-600 032.

2.The District Forest Officer,
Nammakal Forest Range, Nammakal.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent dated 17.10.2022 in Na.Ka. No.353/ 2021/ P1 and quash the same and consequently direct the respondents to consider the application the petitioner dated on 08.01.2021 for appointment on compassionate grounds

For petitioner : Mr.R. Ragoth

For respondents : Mr.C. Selvaraj

Addl. Govt. Pleader



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ORDER

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This writ petition has been filed to call for the records relating to the order of the 2nd respondent dated 17.10.2022 in Na.Ka. No.353/ 2021/ P1 and quash the same and consequently direct the respondents to consider the petitioner's application dated 08.01.2021 for appointment on compassionate grounds.

2. It is averred that the petitioner's father, Late Thiru Perumal, was working as a Forest Guard in the Namakkal Forest Range. While in service, the petitioner's father died in a road accident on 27.03.2010, leaving behind his wife, the petitioner aged about 13 years, a minor daughter aged about 9 years and his mother. At that relevant point of time, no application seeking compassionate appointment was submitted by the widow within the prescribed period. The petitioner, after attaining majority, submitted an application for compassionate appointment on 08.01.2021. The same was rejected by the second respondent on 17.10.2022 on the ground of delay. Aggrieved by the same, this writ petition has been filed with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the petitioner's family was in penurious circumstances and no one guided the petitioner or his mother about the availability of compassionate appointment, even though terminal



benefits were settled in favour of the family in the year 2011 itself. Further, he submitted that the petitioner was a minor at the time of the death of his father and therefore they have not made an application for compassionate appointment within three years from the date of death.

4. Learned counsel further contended that quoting the three-year period as a rigid pre-requirement for making an application under a beneficial scheme of compassionate appointment, particularly in the present case involving a minor and continuing indigency, may not be proper. In support of the said contention, ***he placed reliance on the decision of this Court in W.P. No.363 of 2023 dated 02.11.2023 in the case of R. Varsha vs. TANGEDCO and another***, wherein it was held that an application made by a minor within three years after attaining majority would be maintainable and that strict interpretation of the time limit would defeat the object of the scheme. Therefore, the impugned order dated 17.10.2022 issued by the 2nd respondent is liable to be quashed and prayed for allowing of this writ petition with consequential directions.

5. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the death of the Government servant while in service is not in dispute. However, the petitioner's mother was alive and aged about 32 years at the time of death and she did not submit any application seeking compassionate appointment within the stipulated period. He further



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submitted that the petitioner submitted the application only in the year 2021, nearly 11 years after the death of the employee, which is contrary to the guidelines prescribed under G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and G.O.(Ms) No.33 dated 08.03.2023, which mandate submission of application within three years. He also submitted that compassionate appointment being a concession and not a vested right, the rejection order is valid. Therefore, the order dated 17.10.2022 issued by the 2nd respondent is perfectly valid and interference by this Court is unwarranted. On the aforesaid score, he prayed for dismissal of this writ petition.

6. Heard the rival submissions made by learned counsel on either side and perused the materials placed before this Court.

7. The death of the petitioner's father while in service is not disputed. Admittedly, the petitioner was a minor at the time of death of his father. However, the petitioner's mother was alive and was eligible to apply for compassionate appointment within the prescribed period, but no such application was made.

8. The judgment relied upon by the learned counsel for the petitioner in W.P. No.363 of 2023 is clearly distinguishable on facts. In the said case, the petitioner had lost both parents and there was no other eligible legal heir to seek compassionate appointment within the stipulated period. In the present case, the



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existence of an eligible widow who did not apply within the stipulated period disentitles the petitioner from seeking relaxation of the time limit.

9. Though compassionate appointment is a beneficial scheme, the conditions prescribed under the scheme cannot be ignored altogether. The requirement of submitting an application within the prescribed time limit is an essential condition and entertaining a claim after a long lapse of time would defeat the object of providing immediate relief to the family of the deceased employee.

10. This Court finds no infirmity in the impugned order dated 17.10.2022 passed by the 2nd respondent. Accordingly, the writ petition deserves no merit and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

vsi2

To

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