



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

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CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.13591 of 2025
and
W.M.P.No.15248 of 2025

C.Dharma

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by Secretary,
Labour Welfare and Skill Development (Q1) Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. Director of Municipal Administration,
75, Santhome High Road,
MRC Nagar,
Chennai - 600 028.
3. The Commissioner,
Salem Corporation,
Salem - 636 006.

... Respondents

Prayer: Writ Petitions filed under Article 226 of Constitution of India, seeking for an issuance of writ of declaration declaring Rule 2(f) of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department



W.P.No.13591 of 2

dated 08.03.2023 as illegal and ultra vires the Constitution of India and liable to be struck down as Null and Void, only in so far as the definition of Clause 2(f) family not including the grandson of the deceased as part of the 'family' is concerned and consequentially quash the proceedings of the 3rd respondent made in Na.Ka.No.C4/55/2024 dated 21/11/2024 and direct the 2nd and 3rd respondents, Director of Municipal Administration and the Commissioner, Salem Corporation to consider the petitioner's application for appointment on compassionate grounds dated 14.12.2020 and reminders dated 25.07.2024 and the final application dated 11.08.2024 with enclosures seeking for employment on compassionate grounds in Salem Corporation to any post commensurate to the petitioner's educational qualification.

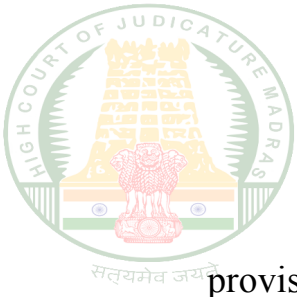
For Petitioner : Mr.Sridhar K
for M/s.Sridhar Associates K.

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader for R1
: Mr.M.Murali
Government Advocate for R2

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ of declaration has been instituted to declare Rule 2(f) of Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 (hereinafter referred to as 'the Rules').



W.P.No.13591 of 2

WEB COPY

2. The Rule was notified in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India. It is a special scheme notified for the benefit of the employees, who dies in service.

3. Mr.K.Sridhar, the learned Counsel for M/s.Sridhar Associates K. appearing on behalf of the petitioner would submit that in the present case, Mrs.Nagammal, who served in the Salem Corporation died while in service. Her son submitted an application seeking employment on compassionate grounds. Unfortunately, the son died during Covid-19 period before joining the post, despite the fact that an appointment order was issued to him on compassionate grounds. Since the son of the deceased employee had not joined in the service on compassionate grounds now the grand son of the deceased Government employee / Mrs. Nagammal, submitted an application seeking appointment on compassionate grounds.

4. The Authorities relying on the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, issued in G.O.(Ms).No.33, Labour Welfare and Skill Development (Q1) Department dated 08.03.2023, not considered the application mainly on the ground that



the grandson will not fall under the definition of 'family' under Rule 2(f) of the said Rules.

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5. Thus the present writ petition has been instituted challenging Rule 2(f) of the Rules which defines 'family' as under:

"2(f) "family" means;-

(i) in the case of a deceased or medically invalidated married Government servant, his legally wedded spouse, son, daughter including adopted son or daughter, who were dependant on the Government servant at the time of his death or medical invalidation;

(ii) in the case of a deceased unmarried Government servant, his father, mother, brother or sister;

(iii) in the case of a medically invalidated unmarried Government servant, his brother or sister;

(iv) in the case of a deceased or medically invalidated widowed or divorced Government servant, his son, daughter including adopted son or daughter, who were dependant on the Government servant at the time of his death or medical invalidation;

(v) in the case of a deceased widowed or divorced Government servant, having no children or having minor children who could not qualify for appointment under these rules, his father or mother:

Provided that, if the father and mother had crossed the maximum age limit specified in sub-rule(1) of rule 6, brother or



WEB COPY

W.P.No.13591 of 2022

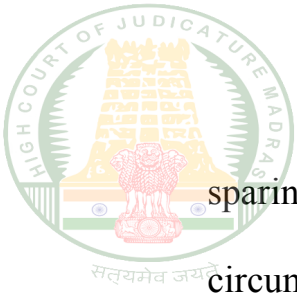


sister of the Government servant, as may be nominated by the father and mother;

(vi) in the case of a medically invalidated widowed or divorced Government servant having no children or having minor children who could not qualify for appointment under these rules, his brother or sister as may be nominated by the father or mother."

6. All public appointments are to be made only under the constitutional schemes and by scrupulously following the Recruitment Rules in force. Equal opportunity in public employment is the constitutional mandate. Compassionate appointment scheme is a special scheme and the purpose and object is to mitigate the circumstances arising on account of sudden death of the Government employee while in service. It is a concession and can never be claimed as an absolute right.

7. Scheme is not meant to provide one public employment to a family of the deceased employee. Various eligibility criteria, availability of vacancies reserved on compassionate appointment and other indigent circumstances are to be taken into consideration for providing appointment on compassionate grounds. Compassionate appointment scheme being violative of Article 14 and 16 of the Constitution of India, it is to be utilized



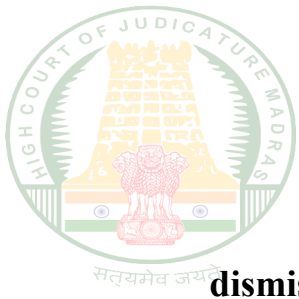
W.P.No.13591 of 2

sparingly only in deserving cases, where the family is in penurious circumstances on account of the sudden demise of a Government employee.

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8. In the present case, the grandson of the deceased Government employee is claiming compassionate appointment which has forfeited effect and thus the very challenge is untenable. That apart, the 'family' has been defined under the Scheme which is a concession extended and cannot be claimed as a right.

9. The definition of 'family' has been defined only for the limited purpose of providing compassionate appointment and cannot be expanded in the common parlance unlike other enactments or based on reliance of any other succession laws. The compassionate appointment scheme being a special scheme, the Government thought fit to restrict the definition of 'family' as stipulated under the Rules. Therefore, relying on any other general law in force, the petitioner cannot challenge the definition of 'family' under the said Rules.



W.P.No.13591 of 2

In view of the above facts and circumstances, the Writ Petition stands

dismissed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

[S.M.S,J.] [K.R.S,J.]
21.04.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

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