



WEB COPY



W.P. No.46968 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.46968 of 2025
and
W.M.P. No.52464 of 2025

P.Praveen

Petitioner

Vs

1. The Secretary to the Government
Municipal Administration and Water
Supply Department,
Fort St George, Chennai 600 009.

2.The Commissioner
Greater Chennai Corporation,
Ribbon Building,
Chennai 600 003.

3.The Deputy Commissioner
Greater Chennai Corporation,
Ribbon Building,
Chennai 600 003.

4.The Zonal Officer
Zone -06
Greater Chennai Corporation,
Ottery, Chennai 600 012.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records vide Ma.6. Na.No.A3/3983/2020, dated 04.11.2020 on the file of the 4th respondent



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and quash the same as illegal, arbitrary and without jurisdiction and further direct the 2nd respondent to appoint the petitioner on compassionate ground appointment and pass such other order or directions as this Court may deem fit and proper in the circumstances of the case, award costs.

For petitioner : Mr.N. Beulah John Selvaraj

For respondents : Mr.E.C. Ramesh
Standing Counsel
for RR2 to 4
(Chennai Corporation)
Mr.C. Selvaraj,
Additional Government Pleader for R1

ORDER

This writ petition has been filed to call for the records vide Ma.6. Na.No.A3/3983/2020, dated 04.11.2020 on the file of the 4th respondent and quash the same as illegal, arbitrary and without jurisdiction and further direct the 2nd respondent to appoint the petitioner on compassionate ground appointment and pass suitable directions.

2. It is stated that the petitioner is the son of late Engamma, who was employed as a Sanitary Worker under the 4th respondent and died in harness on 10.02.2019. The deceased left behind her husband and three children. It is the case of the petitioner that his elder sister, P. Devi is 75% intellectually disabled and was wholly dependent on the deceased. After the demise of his mother, he



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alone alone has been taking care of his disabled sister. He has also been appointed as her legal guardian by order dated 06.03.2025 passed in O.P. No.493 of 2024.

3. It is the specific case of the petitioner that his father deserted the family in the year 2004, performed a second marriage, and has been living separately without providing any financial assistance either to the deceased employee or to the children. The deceased mother was the sole breadwinner of the family. In such circumstances, he submitted an application for compassionate appointment on 23.05.2019. However, the same was rejected by the 4th respondent vide order dated 04.11.2020, which is impugned herein solely on the ground that the petitioner's father was employed under the Greater Chennai Corporation. Aggrieved by the said rejection, the present writ petition has been filed.

4. Learned counsel for the petitioner submitted that the impugned order dated 04.11.2020, is arbitrary, illegal, and unsustainable, as it proceeds on a mechanical assumption that the presence of an earning member in the family automatically disentitles the petitioner from compassionate appointment. He further argued that the father had abandoned the family long prior to the death of the employee viz., petitioner's mother, was living separately with his second



wife, and was not providing any financial assistance. Placing reliance on G.O.

(Ms) No.33 dated 08.03.2023, particularly Clause 3(b) and its proviso, which clearly stipulates that where a family member is in regular employment but is living separately and not providing monetary assistance, the family shall not be rendered ineligible for compassionate appointment. He also submitted that the 4th respondent failed to conduct any proper enquiry, failed to summon the petitioner or his father, and failed to consider the relevant statutory forms and certificates, including Form-I and Form-II under the applicable Rules. Hence, the impugned order dated 04.11.2020 deserves to be set aside and prayed for issuance of suitable directions, accordingly.

5. Learned Standing Counsel appearing for the respondents 2 to 4 submitted that the order dated 04.11.2020 was passed by the 4th respondent, based on the service records of the deceased employee, which indicated that the husband of the deceased was employed under the Greater Chennai Corporation. Relying upon the Government Orders in force at the relevant time, the 4th respondent rejected the claim for compassionate appointment and thus the same is justifiable. However, he has no objection for issuance of appropriate directions in the above regard.



6. Heard the submissions made by the learned counsel on either side and
and perused the records.

7. On perusal of the impugned order, it reveals that the sole ground on which the petitioner's application was rejected is that the father of the petitioner was employed under the Greater Chennai Corporation. However, the records placed before this Court prima facie indicate that the father had deserted the family as early as in the year 2004, was living separately after contracting a second marriage, and was not providing any financial assistance to the deceased employee or the children.

8. More importantly, G.O.(Ms) No.33 dated 08.03.2023, which governs compassionate appointment, specifically provides under Clause 3(b) proviso that the existence of a family member in regular employment shall not disentitle the applicant, if such member is living separately and not providing monetary assistance to the family prior to the death of the employee.

9. Further, it is seen that the impugned order does not indicate whether any enquiry was conducted in a proper manner and also the factual aspects has to be ascertained while rejecting the petitioner's application for compassionate



appointment, that too, when matters relating to desertion, separate living, or financial dependency. No opportunity appears to have been afforded to the petitioner, nor were relevant certificates and forms considered in the manner contemplated under the Rules.

10. In the above circumstances, this Court is of the considered view that the impugned order dated 04.11.2020 suffers from non-application of mind and is liable to be set aside. However, instead of issuing a direct appointment, the matter requires fresh consideration by the respondents after due enquiry and ascertain factual aspects in the issue involved.

11. For the aforesaid reasons, the impugned order dated 04.11.2020 passed by the 4th respondent is set aside and the matter is remanded to the very same respondent for reconsideration of the petitioner's application for compassionate appointment. The 4th respondent is also directed to conduct a proper enquiry and afford an opportunity of hearing to the petitioner as well as his father and pass orders on merits in the light of G.O.(Ms) No.33 dated 08.03.2023 and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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12. With the aforesaid directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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M.DHANDAPANI, J.

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