



W.A.(MD)No.251 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

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P.M.Arvindharaj

...Appellant

/Vs./

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
D.P.I., Campus, Chennai-600 006.
- 3.The Joint Director of School Education,
(Personnel), D.P.I., Campus,
Chennai-600 006.
- 4.The District Educational Officer,
Paramakudi, Ramanathapuram District.
- 5.The Assistant Elementary Educational Officer,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of the Letters Patent, to set aside the order of this Court in W.P.(MD)No.12882 of 2014 dated 04.12.2020.



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For Appellants : Mr.Sankaralingam
for Mr.R.Subramanian
For Respondents : Mr.J.Ashok
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed against the order of the learned Single Judge dated 04.12.2020 wherein the order rejecting the compassionate appointment was confirmed by the writ Court.

2.The learned counsel for the appellant, who is the petitioner before the writ Court, would vehemently contend that the father of the writ petitioner was serving in the Education Department and died on 27.01.1999 leaving behind the writ petitioner, his mother and brother. It is his further submission that immediately after the demise of his father, his mother gave an application for compassionate appointment on 01.08.2000. Her application was pending for consideration. In the meanwhile, she became over-aged. Hence, she gave an application for the petitioner on 26.03.2009 and such application was rejected by the authority on 05.04.2013. Aggrieved with the same, the appellant



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preferred a writ petition in W.P.(MD)No.8869 of 2013, wherein the rejection order dated 05.04.2013 was set aside and the matter was remanded back before the authorities for reconsideration.

3.It is the submission of the petitioner that though the Scheme provides that the compassionate ground application has to be given within a period of three years, as the writ petitioner's mother gave an application within the statutory period and only upon the failure on the part of the authority in not providing appointment, she gave further application during the year 2009 for the appellant. Therefore, rejecting such application on the ground of delay is contrary to law. Hence, he prays to interfere with the same.

4.The contention of the appellant was stoutly objected by the Additional Government Pleader. He would contend that the issue on hand is no longer res integra as the Full Bench of this Court in a batch of writ petitions in W.P(MD)No.7016 of 2011 etc., batch, dated 11.03.2020 has categorically held that compassionate appointment is scheme based and unless the beneficiary fulfils such scheme, he/she cannot seek such an appointment as a matter of right. It is the further submission of the



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learned Additional Government Pleader that the learned Single Judge has dealt with the issue in extenso and has ultimately concluded that there is no infirmity in the order of rejection. Hence, would contend that the present writ appeal is liable to be dismissed.

5.We have given our anxious consideration to either side submissions.

6.As rightly contended by the learned Additional Government Pleader, the Full Bench of this Court in W.P.(MD)No.7016 of 2011 vide order dated 11.03.2020, by referring to various decisions, has ultimately held that, if the scheme does not permit entertaining an application of the dependent after attaining majority, then such an application cannot be considered, and it was further held that the time for request for appointment on compassionate ground should be reasonable and proximate to the time of death of the bread earner. It is also held that the compassionate appointment is not a heritable right to be considered after an unreasonable period.



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7. Therefore, the position of law is now crystallised to the effect that, unless the claim satisfies the conditions provided under the scheme, the application for grant of compassionate appointment does not arise. It is pertinent to mention here that in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, it has been stipulated that an application for compassionate appointment should be submitted within a period of three years from the date of death of the Government servant.

8. Though it was contended that the appellant's mother has submitted an application within a period of three years from the date of death of her husband, she submitted an application for his son/appellant, who was minor at the time of death of his father, after the period of 3 years. It is also a well settled principle of law that a post cannot be reserved for a minor until he attains majority. The learned Single Judge after going into all these aspects, has ultimately rejected the claim of the appellant. Thus, we do not find any infirmity in the order of the learned Single Judge.



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9.Before closing the curtain, for the sake of completion, we deem it appropriate to refer the new set of Rules for compassionate appointment in “Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules 2023,”[hereinafter referred to as 'Rule 2023') was enacted in exercise of the powers conferred under Article 309 of the Constitution of India. The same was brought into effect vide notification in G.O.Ms.No.33, dated 08.03.2023. According to new Rule 6, the minimum age limit for seeking compassionate appointment was done away with. Accordingly, even the minor dependant is now permitted to seek compassionate appointment. But, the Rule 2023, will have no application to the present set of facts, as it came into effect only from 08.03.2023, whereas we are dealing with the issue of compassionate appointment for the death which took place during 1999.

10.Therefore, we are of the indubitable view that there are no grounds to interfere with the order of the learned single Judge. Accordingly, the present Writ Appeal stands dismissed. No costs.

[A.S.M.J.] & [C.K.J.,]
15.10.2025

Index :Yes/No
Internet :Yes



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