

W.A.(MD)No.272 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.04.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU  
and  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.272 of 2025  
and  
C.M.P.(MD)No.1934 of 2025**

1.The Secretary,  
Social Welfare Department,  
No.1, Panagal Maligai Building 2<sup>nd</sup> Floor,  
Near Kalaignar Arch,  
Jennis Road, Saidapet,  
Chennai 600 015.

2.The Director of Social Welfare,  
Social Welfare Department,  
Panagal Maligai, Saidapet,  
Chennai 600 015.

3.The District Project Officer,  
Office of the District Project,  
WBCIDS-IV,  
Ramanathapuram District.

... Appellants

Vs.

R.Suganya

... Respondent

**Prayer:** Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.3325 of 2021, dated 03.07.2024.



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For Appellants :Mr.Veerakathiravan  
Additional Advocate General  
for M/s.D.Farjana Ghoushia  
Special Government Pleader  
For Respondent :Mr.M.Gnanagurunathan  
for M/s.K.Samidurai

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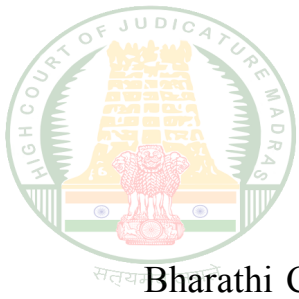
### **JUDGMENT**

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The writ appeal is filed against the order passed in W.P.(MD)No.3325 of 2021, dated 03.07.2024.

2. The writ petition was filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned rejection order, dated 20.07.2020 of the 2<sup>nd</sup> respondent and consequently, to direct the 2<sup>nd</sup> respondent to issue an appointment order under compassionate ground based on the petitioner's representation, dated 21.07.2006 and as per the seniority list published by the 2<sup>nd</sup> respondent, dated 14.08.2019, within a stipulated time that may be fixed by this Court.

3. The brief facts as stated in the writ petition are that the petitioner's father one D.Rajendran, while working as Industrial Co-operative Officer/

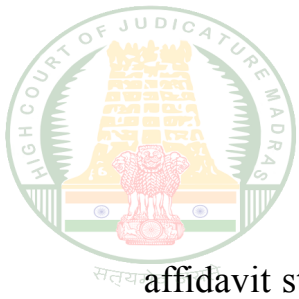


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Bharathi Co-operative Food Producers Women's Co-operative Society, under the control of the District Programme Officer, Ramanathapuram, died on 07.12.2004 leaving behind four daughters namely Anuradha, Jeyapriya, Deepa and Suganya (writ petitioner) as legal heirs. On 21.07.2006, along with all necessary documents, the petitioner submitted a representation seeking compassionate appointment, which was received by the respondents and the third respondent informed that the process would take some more time and the petitioner would be called by them in an appropriate time. On 16.05.2018, the third respondent required the petitioner to furnish a combined certificate in this regard as issued by the Tahsildar concerned and accordingly the same was submitted. Since the petitioner's case was kept pending endlessly, the petitioner made a reminder representation on 16.05.2018 with respect of her pending representation, dated 21.07.2006. Even thereafter, nothing transpired from the respondents. However, after a long delay of almost 14 years, on 20.07.2020, the impugned order in the writ petition rejecting the petitioner's claim for appointment on compassionate ground came to be issued by the second respondent. Hence, the writ petition was filed.

4. The 2<sup>nd</sup> respondent in the writ petition has filed the counter



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affidavit stating the application was not made within a period of three years from the date of death of the employee and hence, the petitioner is ineligible for compassionate appointment as per G.O.Ms.No.42, Labour and Employment Department, dated 12.03.2007. Further, the only eligible member of the family could be extended with such benefits and ineligible persons cannot claim compassionate appointment. Further, the petitioner had made an application only on 16.05.2018 and the application as claimed by the petitioner have been submitted on 21.07.2006, it cannot be considered, since the same do not have any office seal or acknowledgment or signature of the Officer concerned. Hence, the 2<sup>nd</sup> respondent prayed to dismiss the writ petition.

5. After hearing the rival submissions, the Writ Court held that the petitioner's application, dated 21.07.2006, which was preferred within a period of three years from the date of death of employee was duly considered and on that basis her candidature is placed in place Serial No.6 of the State-level seniority list of the candidates for appointment on compassionate ground maintained by the Commissionerate of Social Welfare Department. Hence, the second respondent ought not to have passed the impugned order rejecting the petitioner's claim for compassionate appointment. Accordingly, the impugned order, dated 20.07.2020,



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was quashed and the second respondent was directed to provide the petitioner with appointment on compassionate ground on the basis of the seniority list maintained by the Commissionerate of the Social Welfare Department, Chennai, dated 14.08.2019, within a period of eight weeks. Thus, the Writ Court allowed the writ petition. Aggrieved over the same, the Government / respondents have preferred the present writ appeal.

6. Heard Mr.Veerakathiravan, learned Additional Advocate General appearing for the appellants, Mr.M.Gnanagurunathan, learned Counsel appearing for the respondent and perused the records.

7. The contention of the writ petitioner is that her father died on 07.12.2004 and within three years she had submitted an application on 21.07.2006. The writ petitioner is relying on the waiting list prepared by the respondents wherein her serial number is shown as 6. However, the respondents vehemently opposed and submitted that the petitioner had not submitted any such application and based on the statement of the petitioner alone the waiting list was prepared. Thereafter, in order to scrutinize the claim of the petitioner, the respondents vide proceedings dated 13.12.2019 in Roc.No.17801/Admn4(3)/2019



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directed the petitioner to produce the details pertaining to her first application and the copies of the documents produced along with the first application and to explain the belated application dated 16.05.2018. But the petitioner did not produce the required documents inspite of sufficient opportunity. Thereafter the Commissioner had rejected the application vide proceedings dated 20.07.2020. It is seen that the petitioner had produced the said application before the Writ Court, on perusing the same it is seen that there is no evidence that the respondents had received the said application. The petitioner had produced the “no objection” from the three siblings written in stamp papers. On perusing the same the first sheet in all three was purchased on 24.06.2006 with numbers 12508, 12510, 12512. The second sheet are purchased on 19.08.2006 with numbers 9729, 9730, 9731. When there are two sheets in each “no objection” certificate from siblings, then the same would have been purchased on the same date, but in the present case it is purchased on two dates. Further when the petitioner had submitted the compassionate application on 21.07.2006, it is not possible to get the no objection in the stamp paper purchased on a later date i.e. 19.08.2006. Therefore, this Court is of the considered opinion that the alleged application with no objection certificate from the three siblings is created, when the appellants directed to produce the copy of the application along with documents on 13.12.2019. In other



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words, the petitioner in order to comply with the said direction had created the no objection by purchasing the “anti-dated stamp papers” and submitted the no objection certificates. Therefore, this Court is of the considered opinion that the alleged application submitted within the period of three years on 21.07.2006 is false and created one.

8. The petitioner had submitted the first application only on 16.05.2018 and the appellants vide proceedings dated 13.12.2019 had called for producing the application along with the documents submitted earlier and the petitioner failed to produce the same but created some documents. Therefore, the appellants had rightly rejected the petitioner’s application as belated through the impugned order dated 20.07.2020.

9. Further if the petitioner had submitted the alleged application dated 21.07.2006 and if the appellants had not processed, then the petitioner would have or ought to have approached before this Court at the earliest. But the petitioner had not filed the writ petition earlier, but had filed the writ petition only in the year 2021. Therefore, the writ petition is hit by delay and laches.



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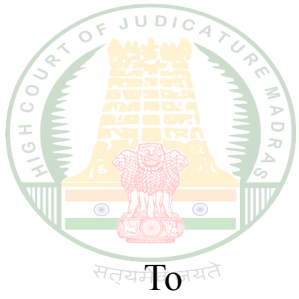
10. It is seen the mother predeceased the father and the father died on 07.12.2004. It is a settled law that the compassionate appointment can be granted to meet out the immediate financial constraints of the deceased employee's family. The family was able to sustain for 18 years (until filing of writ petition) and for 21 years (until the filing of writ appeal). Therefore, this Court is of the considered opinion that the petitioner had failed to establish the indigent circumstances. The compassionate appointment cannot be considered as another method of recruitment but it is a concession given to the family. When the petitioner failed to establish the indigent circumstances and was able to sustain for the past 21 years, therefore, the petitioner is not entitled to compassionate appointment.

11. For the reasons stated supra, the writ appeal is allowed and the order passed by the Writ Court is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]  
08.04.2025

Index : Yes / No

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