

W.P(MD)No.4577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2025

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.4577 of 2024

and

W.M.P(MD)No.4417 of 2024

B.Jeyadurgaveni

... Petitioner

Vs.

The Director General of Police,
Office of the Director General of Police,
No.601, Radhakrishnan Salai,
Mylapore,
Chennai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 00060/C.A-2/2023, dated 10.01.2023 on the file of the respondent and quash the same as illegal and consequently for a direction, directing the respondent to grant appointment to the petitioner in any suitable post under compassionate grounds in the light of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik



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For Respondent : Mr.M.Siddarthan
Additional Government Pleader

ORDER

The writ petition has been filed challenging the order of rejection of the application filed by the petitioner for granting her compassionate appointment.

2. The learned Counsel appearing for the petitioner would submit that the petitioner's father had been working as a Sub Inspector of Police and that in the line of duty, he was killed in a pre-arranged accident. He would submit that the Chief Minister at the relevant point of time had also announced *ex gratia* payment to the family, apart from granting compassionate appointment. However, contrary to the promise made by the Chief Minister, the application of the petitioner for grant of compassionate appointment had been rejected on the ground that, the brother of the petitioner is beneficially engaged in a Bank. He would submit that the brother of the petitioner is not taking care of the petitioner nor her mother, the wife of the deceased employee which is also evidenced by the certificate issued by the Tahsildar, Tuticorin. The

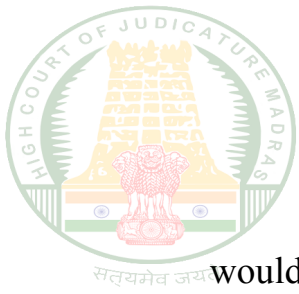


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said report of the Tahsildar had been clearly overlooked by the respondent in denying the benefits. Therefore, he seeks interference with the order impugned in this writ petition and to issue a direction to appoint the petitioner in any suitable post on compassionate grounds as with the Rules of the year, 2023.

3. Countering his argument, Mr.M.Siddarthan, learned Additional Government Pleader on behalf of the respondent would submit that the compassionate appointment can be granted only on the terms of the Rules that had been made in that regard. He would submit that the family is not in penury as seen from the certificate issued by the Tahsildar. He would submit that the son of the deceased employee, the brother of the petitioner has been beneficially engaged in a Nationalized Bank drawing a substantial salary. That apart, the order also indicates that a sum of Rs.4,50,564/- is the annual income of the family. He would further submit that the petitioner being a daughter has already been married and is living away from the family. Therefore, she cannot be considered to be a dependent of the family to be given compassionate appointment. He would further submit that there is no error in the order impugned. He



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would further pointed out that the petitioner was given liberty to approach the State Welfare Cell created at the Office of the Superintendent of Police Office, which would arrange for an employment in a private establishment. Therefore, he would submit that the petitioner has not been left high and dry and the petitioner can always approach the State Welfare Cell which would aid in an employment being secure for the petitioner. Therefore, he prays this Court to dismiss the writ petition.

4. I have carefully considered the submissions made on either side and perused the materials available on record.

5. It is the claim of the petitioner that even though the petitioner is married, there is no bar for grant of compassionate appointment, as the appointment would only help the wife of the deceased employee to not suffer in a penurious circumstances. That apart, her claim that the brother has not taking care of the family as evidenced in the report of the Tahsildar has not been considered by the respondent while rejecting the claim of the petitioner. It is true that the petitioner's mother had been in receipt of family pension and other *ex gratia* payment that arose out of



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death of the deceased employee and the same should not be taken into consideration for considering a request for compassionate appointment.

But in the present case, the petitioner is married and grant of compassionate appointment cannot be claimed as a matter of right as has been held by the Hon'ble Apex Court in various judgments. It is a discretionary relief granted to the family of a deceased employee, so that the family do not suffer from penury. The family of the deceased employee consisted of a wife, son and a daughter. The son is beneficially employed in a Nationalized Bank which has not been disputed by the petitioner. The petitioner is also married and is under the care of her husband. The only person left in the family is the wife of the deceased employee. The report of the Tahsildar indicates that the annual income of the family is around 4.5 lakhs which arise out of the terminal benefits that had arisen on the death of the deceased employee. Further, the wife of the deceased employee is also protected under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in which there is an obligation on the part of the children to maintain their parents. Further, as rightly pointed out, the petitioner can always approach the State Welfare Cell as indicated in the order which would



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endeavour to secure an employment in a private establishment and therefore, the petitioner is also not left high and dry as claimed by her.

The only object of grant of compassionate appointment is to see that the family of the deceased employee avoids the penurious circumstances that creep in upon the death of the employee during his employment.

6. For the aforesaid reasons, I do not find any infirmity with the order impugned in this writ petition and accordingly, the writ petition stands dismissed. If the petitioner approaches the State Welfare Cell as indicated in the order impugned, the said Welfare Cell shall secure a reasonable employment to the petitioner, within a period of twelve (12) weeks from the date on which she make such representation. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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K.KUMARESH BABU, J.

BTR

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