



W.P.(MD)No.12522 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.12522 of 2025

and

W.M.P(MD)No.9119 of 2025

R.Thivakar

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram
Ramanathapuram District.

2.The Block Development Officer,
(Village Panchayat),
Kadaladi Panchayath Union,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Proceedings vide Na.Ka.B2/369/2025 of the second respondent dated 12.02.2025 and quash the same and consequently direct the respondents to appoint the petitioner on compassionate ground based on the vacancy in accordance to the eligibility.



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For Petitioner : Mr.V.R.Shanmuganathan
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

The order of rejection dated 12.02.2025, is under challenge in this writ petition, in relation to the claim of compassionate appointment made by the writ petitioner.

2.The father of the writ petitioner was employed as Panchayat Secretary and died on 26.11.2014, while he was in service. The application seeking compassionate appointment was filed on 21.08.2017. The Government issued an order in G.O.Ms.No.102, Rural Development and Panchayat Raj (E5) Department dated 13.07.2015, extending the scheme of compassionate appointment to the legal heirs of the deceased Panchayat Secretaries in the Village Panchayats. Accordingly, the writ petitioner is also eligible for consideration under the scheme of compassionate appointment. However, the order of rejection was passed on 12.02.2025, holding that the scheme of compassionate appointment is not applicable to the legal heirs of the deceased



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employees, who died prior to the issuance of the said Government Order. The Government Order states that the said scheme was extended to the legal heirs of the deceased Panchayat Secretaries and the order shall take effect from the date of issuance of the order. The date of issue of G.O.Ms.No.102 was 13.07.2015. However, the order impugned was passed on 29.09.2015, after the issuance of the above said Government Order. Thus, the respondents ought to have considered the case of the writ petitioner in the light of the Government Order dated 13.07.2015, passed in G.O.Ms.No.102.

3.The date of death of the deceased employee was not prescribed as a cut off date in the Government Order and therefore, the scheme of compassionate appointment cannot be restricted only to the deceased employees, where the date of death falls after the issuance of the said G.O.Ms.No.102. This being the view of this Court, the order impugned passed by the second respondent in proceedings dated 12.02.2025, is quashed and the respondents are directed to re-consider the application submitted by the writ petitioner seeking compassionate appointment on merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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4. With these observations, the writ petition is allowed.

No costs.

Consequently, the connected Miscellaneous Petition is closed.

29.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

1. The District Collector,
Ramanathapuram
Ramanathapuram District.
2. The Block Development Officer,
(Village Panchayat),
Kadaladi Panchayath Union,
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BATTU DEVANAND, J.

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