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W.A.(MD)NO.390 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.390 of 2022

K.Punithasankari

... Appellant / Petitioner

Vs.

1. The Commissioner of Land Survey,
Secretary,
Chennai – 600 009.

2. The District Collector,
Tuticorin District,
Tuticorin.

3. The Assistant Director(Land Survey),
Tuticorin,
Tuticorin District.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal and set aside the order dated 01.03.2022 passed by the learned single Judge in W.P.(MD)No.3223 of 2021 on the file of this Court.

For Appellant : Mr.C.Ganesh Kumar

For Respondents : Mr.A.Kannan,

Additional Government Pleader.

* * *

**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The unsuccessful writ petitioner is the appellant herein. The appellant's father was working as Sub Inspector of Survey and died in harness on 17.12.2013. An application for appointment on compassionate grounds was submitted on 18.08.2014. It was within time. Unfortunately, the appellant was minor during the relevant point of time. Therefore, the application came to be rejected. The appellant did not challenge the same. After attaining majority, she submitted a fresh application for appointment. That was rejected vide order dated 08.03.2018. Challenging the same, W.P.(MD) No.3223 of 2021 was filed. The learned single Judge dismissed the writ petition in the following terms:-

“3.This Court is of the considered opinion that if at all the children are minors during the relevant point of time when the Government employee died, the wife is eligible to seek appointment in any suitable post. However, the scheme of compassionate appointment cannot be violated.



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Compassionate appointment being a special scheme is in violation of Article 14 and 16 of the Constitution of India. It is to be restricted and the appointments sought to be made strictly with reference to the terms and conditions.

4.In the present case, the petitioner was a minor. The wife of the deceased employee has not submitted any application seeking appointment on compassionate ground. However, on attaining the age of majority, the petitioner submitted an application by that time, the period of three years expired. This being the factum now after a lapse of about 9 years, the case of the writ petitioner for appointment on compassionate ground cannot be considered. Thus, this Court do not find any infirmity in respect of the impugned order passed by the respondents.”

3. In fact, we had also taken the very same approach vide order dated **18.08.2025 in W.A.(MD)No.870 of 2020 (K.Linga Bose Vs. The Chief Engineer (Personnel), Tamil Nadu Electricity Board, Chennai)**. The Government while filling up the vacancy, cannot wait till the applicant attains the age of majority.



4. In this view of the matter, the order passed by the learned single Judge is sustained. This writ appeal stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
22nd August 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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