



W.A.(MD)No.512 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)No.512 of 2020

and

C.M.P.(MD)No.3630 of 2020

1.The Commissioner of Police,
Madurai City, Madurai-2.

2.The Director General of Police,
Tamil Nadu, Chennai.

... Appellants

-Vs-

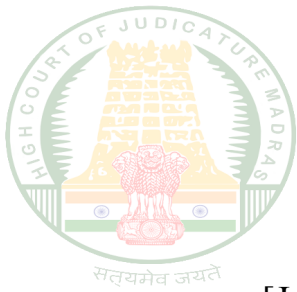
D.Chandra

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 28.02.2020 made in W.P.(MD)No.26588 of 2019 on the file of this Court.

For Appellants : Mr.S.P.Maharajan,
Special Government Pleader

For Respondent : Mr.K.Ravi



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JUDGMENT

[Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***]

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Governing legal principles for compassionate appointment are
(i)compassionate appointment is a concession and not an absolute right;
(ii)compassionate appointment is violative of Articles 14 and 16 of Constitution of India; (iii)scheme of compassionate appointment is a special scheme and its object is to mitigate the circumstances arising on account of sudden death of an employee while in service.

2.Penurious circumstance in the family is to be considered by conducting enquiry. Providing one appointment to the family of the deceased employee is not an object of the scheme. Long delay in submitting application is also a ground to reject it, since penurious circumstances arouse on account of sudden death became vanished due to efflux of time. Scheme is to be implemented strictly in accordance with the terms and conditions stipulated.

3.Merit assessment and rule of reservation have not been followed on compassionate appointment and there is no selection process. It is not a method of appointment under the Constitutional scheme of appointment. The Constitutional Courts have time and again reiterated that the compassionate



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appointment is not a method of appointment and it is a special scheme. Therefore, the terms and conditions are to be applied scrupulously and any discretion or misplaced sympathy would infringe the right of meritorious candidates, who are all aspiring to secure public employment through open competitive process.

4.Coming to the facts of the present case, the husband of the respondent died on 28.04.2003 while he was in service. The respondent submitted an application, seeking appointment on compassionate ground on 16.06.2003 well within the time limit stipulated under the scheme. For want of vacancy and considering the fact that large number of legal heirs are waiting for compassionate appointment in Police Department, application seniority is followed and accordingly, the respondent was kept in the waiting list. Subsequently, vide letter dated 11.03.2013, the District Collector, Madurai has recommended the case of the respondent for appointment to the post of Office Assistant in Local Fund Audit Department. However, the respondent was not interested in taking appointment nor approached the authorities of the Deputy Director of Local Fund Audit, Madurai, based on the letter of the District Collector, Madurai dated 11.03.2013. The Deputy Director of Local Fund Audit, vide his letter dated 24.05.2013, has informed the District Collector that the respondent has not approached the office for issuance of necessary posting order.



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5.Pertinently, the representation of the petitioner dated 06.03.2013 reveals that the second application, seeking compassionate appointment was submitted before the Commissioner of Police on 30.12.2009, since the daughter of the deceased employee has completed B.Sc., degree during the relevant point of time. The said application was rejected by the authorities competent on 18.03.2010. The daughter of the respondent has not challenged the rejection order and therefore, it become final. Not stopping with that, the respondent has submitted third application seeking compassionate appointment on 06.03.2013 to provide appointment to her son.

6.Multiple applications, seeking compassionate appointment are not entertainable. Under the scheme, eligible legal heir of the deceased employee is entitled to file an application. Such application filed cannot be altered nor a second application can be filed. During the relevant point of time ie., when the employee died, the respondent alone is the legal heir and she had submitted application on 16.06.2003 and the said application was processed subsequently. Thus, the subsequent application submitted seeking appointment to the daughter and son of the deceased employee are not entertained and rightly done so by the authorities competent.

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7.The second application submitted to provide appointment to the daughter of the employee was rejected on the ground that the application was submitted beyond the period of three years. Thus, this Court do not find any infirmity in respect of the decision taken by the authorities competent.

8.The respondent as of now is aged about 62 years. At the time of the death of the employee, his son and daughter were minors and 22 years had lapsed from the date of death of the employee. That apart, the respondent had not availed the opportunity provided to her to take up the appointment based on the recommendations of the District Collector, Madurai. This being the factum established, the respondent is not entitled for compassionate appointment under the scheme. Therefore, the order of the Writ Court dated 28.02.2020 made in W.P.(MD)No.26558 of 2019 is set aside and accordingly, this Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
25.06.2025

NCC : Yes / No
Index : Yes / No

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