



W.P.(MD).No.11207 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.11207 of 2019
and
W.M.P.(MD).No.8562 of 2019

R.Vetrivelu

... Petitioner

Vs.

1.Union of India Rep. by,
The General Manager,
Southern Railway,
Park Town, Chennai.

2.The Divisional Security Commissioner,
Railway Protection Force,
Madurai Division,
Southern Railway,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, challenging the impugned order passed by the 2nd respondent in No.UXP/535/C.G/Court dated 28.09.2018 and quash the same and further direct the 1 to 2 respondents to provide compassionate appointment to the petitioner's son.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.M.Karthikeya Venkitachalapathy



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ORDER

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This Writ Petition is filed by the petitioner challenging the rejection of compassionate appointment for his son on the ground of medical invalidation.

2. It is the case of the petitioner that he was originally appointed as Rakshak in the RPF Fire Branch on 22.11.1977. Subsequently, he held various posts and reached the stage of Sub Inspector on Adhoc basis on 21.07.2006. Due to illness, he was declared medically unfit to continue the post of Sub Inspector with effect from 26.12.2007. Considering that the petitioner became unfit, he was allowed to hold supernumerary post in the RPF vide proceedings dated 09.01.2009. He completed his entire service and reached superannuation on 30.06.2017. In the meantime, while he was in service, he approached the respondents by submitting VRS application dated 08.07.2016 and the same was returned. This was put to challenge by the petitioner in W.P.(MD).No.3404 of 2018. This Court, vide order dated 28.03.2018, had disposed of the Writ Petition by recording the submission of the learned Standing Counsel for the respondents that if the petitioner submits fresh application with relevant service particulars, the same would be considered and orders would be passed in accordance with law. Accordingly, the impugned order dated 28.09.2018 has been passed by the second respondent stating that the petitioner had failed to



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make proper application seeking compassionate appointment on medical invalidation in time.

3. According to the petitioner, he exercised the option of seeking compassionate appointment to his son on medical invalidation within time and since the same was not considered by the respondents in time, he was forced to work in the supernumerary post till his superannuation. Hence, the same could not be placed against the petitioner for rejecting his request for compassionate appointment on medical invalidation for his son.

4. The learned counsel for the respondents submits that the petitioner suffered illness in the year 2009 and considering his medical condition, he was not immediately terminated and he was allowed to continue in the very same department in the supernumerary post. As per the Service Rules, the petitioner was given an alternative employment and retained in service. After seven years of medical invalidation, he approached the respondents by sending a representation dated 08.07.2016 and demanding appointment for his son on compassionate grounds. It has been rejected by the respondents on the ground that it is a belated submission and the same could not be entertained.



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5. In the impugned order, it has been specifically stated by the second respondent that as per the Rules, a Screening Committee consisting of three officers explained the Rules in favour of medically decategorized petitioner regarding his future steps to be taken. The petitioner had also attended the same from time to time till 2013 and he was not willing to undergo any voluntary retirement or placed a request for his spouse or ward on compassionate appointment. Further, it is also stated that the petitioner had availed the benefit of supernumerary post. Hence, thereby, he failed to exercise his option and thereafter, after delay of seven years, he is not entitled to raise the same. The relevant portion of the impugned order reads as follows:

“As per extant rules the screening committee consisting of 03 officers viz. DSC/MDU, DPO/MDU and Sr.DMO/RH/PER nominated by the Divisional Railway Manager (DRM/MDU) for absorbing SNP staff to other jobs or for gainful utilization. The committee had explained the extant rules in favour of medically de categorized SNP staff and you had also attended the same from time to time till 2013. Based on your representation before the committee of not willing to undergo Voluntary retirement & requesting to consider your spouse/ward on compassionate ground appointment at the earliest even though you were medically declared all class unfit for job, and even your wards both son & daughter attained the age of 18 years you opted to continue as SNP staff to run your family. Based on your request, the committee & authority for disposal of SNP staff i.e



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DPO/MDU ordered to utilize you on gainfull employment at DPO/MDU office in the PNM Cell for light job (sedentary job) viz. maintaining and disposing tapals at the posted section vide Sr.DPO/MDU letter number.U/P11/ XII/PG/MUF/Alt.app & ?.?.No. 33/2011/XII/PG/PMUF dated 16.05.11. The government has paid & expensed its money for you as you were kept under the category of SNP staff to the period upto retirement on superannuation and you were allowed all monetary benefits like Basic Pay, Dearness allowances, Personal Pay for family planning, Transport allowances, House Rent allowances, etc., from time to time as like all other regular employees without extracting any work upto your grade.”

6. This Court is also unable to appreciate the contentions of the petitioner since he had rejected the option of voluntary retirement and he worked in the supernumerary post continuously for a period of nine years from 2009 to 2017 and retired on 30.06.2017. He has also received all the retirement benefits and now receiving pension.

7. Though it seems that the petitioner has come forward to exercise the option of voluntary retirement on medical invalidation and seek appointment for his ward in the year 2016, as observed in the impugned order, he has availed the benefit of other option of supernumerary post for almost seven years and has



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not acceded to the guidance of the Screening Committee and continued his service.

8. Since the petitioner has completed the entire service and reached superannuation, his request for appointment on compassionate grounds of medical invalidation could not be considered at this stage and further, he has made application seeking voluntary retirement and for compassionate appointment belatedly after serving in the supernumerary post for seven years, which has disentitled him from claiming any further relief.

9. In view of the above discussion, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

1. The General Manager,
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Park Town, Chennai.

2. The Divisional Security Commissioner,
Railway Protection Force,
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Madurai.



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K.RAJASEKAR,J.

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