



W.P.(MD)No.20249 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.20249 of 2025

M.Kirubanandam

: Petitioner

Vs.

1. The Government of Tamil Nadu,
Department of Rural Development and Panchayat,
Represented through its Additional Secretary,
Fort St.George, Chennai.

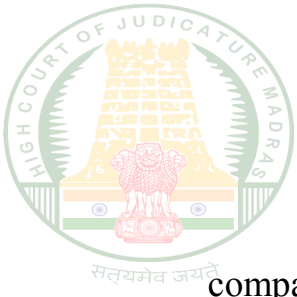
2. The Director,
Rural Development and Panchayatraj,
Panagal Palace, Saidapet,
Chennai - 600015.

3. The District Collector,
Thanjavur District,
Thanjavur.

4. The Personal Assistant to District Collector (Development),
Thanjavur District,
Thanjavur.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 4th respondent's impugned order in Na.Ka.No.927/2025/K3 dated 28.03.2025 and quash the same as devoid of merits and directing the respondents to include the petitioner in the seniority list as per his



W.P.(MD)No.20249 of 2025

compassionate ground appointment's seniority list in S.No.21 dated 07.09.2000 as per the Section 40(2) proviso clause of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the fourth respondent in Na.Ka.No.927/2025/K3 dated 28.03.2025 with a consequential direction to the respondents to include the petitioner in the seniority list as per his compassionate ground appointment's seniority list in S.No.21 dated 07.09.2000 and as per the Section 40(2) proviso clause of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period stipulated by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



W.P.(MD)No.20249 of 2025

WEB COPY

3. The petitioner was appointed on compassionate grounds in the respondent department on 25.08.2021. The petitioner is now presently serving as Junior Assistant. However, he was not given regularization. After filing of writ petition before this Court, his service was regularized and he was also given promotion to the post of Assistant. However, the request of seniority was rejected vide the impugned order. Challenging the same, this writ petition came to be filed.

4. The learned counsel appearing for the petitioner would submit that the petitioner made an application for compassionate appointment in the year 1999. However, he was appointed only in the year 2021. If he were appointed immediately after his application, he might have got promotion at an earlier point of time and got seniority. However, due to late appointment, he has lost his seniority and his request was also rejected vide the impugned order. Hence, he prayed for allowing this writ petition.



W.P.(MD)No.20249 of 2025

WEB COPY

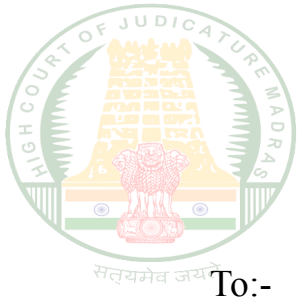
5. Per contra, the learned Special Government Pleader would submit that the compassionate appointment will be granted only on the basis of seniority and as per the same, the petitioner was appointed in the year 2021. However, the petitioner made a request for seniority from the date of his application. Such a claim is unsustainable one since promotion and seniority will be granted only from the appointment date and not from the application date.

6. Admittedly, the promotion and seniority will be given priority only from the date of appointments, not from the date of applications. Instead of challenging the appointment orders, the petitioner made a representation to fix the seniority from the date of application and there is no scope for entertaining this writ petition. In view of the same, this writ petition is dismissed. There shall be no order as to costs.

25.08.2025

Index : Yes / No
NCC : Yes / No
Sm

(2/2)



W.P.(MD)No.20249 of 2025

To:-
WEB COPY

1. The Additional Secretary,
Department of Rural Development and Panchayat,
Represented through its Government of Tamil Nadu,
Fort St.George,
Chennai.
2. The Director,
Rural Development and Panchayatraj,
Panagal Palace, Saidapet,
Chennai - 600015.
3. The District Collector,
Thanjavur District,
Thanjavur.
4. The Personal Assistant to District Collector (Development),
Thanjavur District,
Thanjavur.



WEB COPY



W.P.(MD)No.20249 of 2025

M.DHANDAPANI, J.

Sm

W.P.(MD) No.20249 of 2025

(2/2)

25.08.2025