



W.P.(MD)No.16728 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16728 of 2025

Dineshkumar

... Petitioner

-VS-

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department, Secretariat,
Chennai - 9.

2.The Additional Director,
Land Survey Records Department,
Survey House, Chepauk, Chennai - 600 005.

3.The Assistant Director,
Land Survey Records Department,
District Survey Office, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.A6/2610/2023 dated 21.03.2025 and quash the same as illegal and consequently, to direct the respondents to appoint the petitioner on compassionate ground in the suitable post based on his educational qualification, within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.S.Vikram

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by the third respondent in Na.Ka.A6/2610/2023, dated 21.03.2025 and consequently, to direct the respondents to appoint the petitioner on compassionate grounds to a suitable post, based on his educational qualifications, within a time frame to be stipulated by this Court.

2. The learned counsel for the petitioner submits that the petitioner is the son of Late P.Subbiah, who was serving as a Surveyor in the Land Survey Records Department, Madurai and who died in harness on 09.06.2005, leaving behind the petitioner, his mother and four sisters as legal heirs. At the time of his father's demise, the petitioner was a minor and could not immediately apply for compassionate appointment. Upon attaining majority and completing his 12th standard, the petitioner submitted an application seeking compassionate appointment in accordance with his educational qualification.



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3. It is further submitted that the petitioner's initial request was unjustly rejected by the third respondent on the grounds of alleged delay in submission and pendency of criminal cases, which were irrelevant to the merits of his claim. A subsequent rejection dated 27.07.2023 was passed, citing that the petitioner had not attained 18 years of age at the time of his earlier application. Aggrieved by the same, the petitioner filed W.P.(MD)No.23305 of 2023, which was allowed by this Court, by order dated 10.06.2024. Thereafter, as the respondents failed to comply with the directions issued by this Court, the petitioner filed a Contempt Petition in Cont.P.(MD)No.3166 of 2024, which was closed on 01.04.2025 with further directions to the respondents. However, in blatant disregard of the above orders, the third respondent has once again rejected the petitioner's claim for compassionate appointment vide the impugned proceedings dated 21.03.2025, on the ground that the alternate application was not submitted within the prescribed one-year time frame.

4. The learned counsel submits that the above said reasoning is arbitrary and contrary to the principles laid down in law, especially considering the fact that the petitioner was a minor at the relevant point of time. Hence, the impugned order is liable to be quashed and the petitioner is entitled to be considered for



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compassionate appointment in a suitable post commensurate with his educational qualification.

5. The learned Special Government Pleader appearing for the respondents submits that the petitioner's claim for compassionate appointment was rightly rejected on valid grounds. It is submitted that the petitioner's father died in service on 09.06.2005 and the first application for compassionate appointment was submitted by the petitioner's sister on 09.08.2006. Subsequently, the petitioner's mother submitted an alternative application on 05.06.2008 seeking compassionate appointment for the petitioner, which was followed by another application by the petitioner himself on 09.06.2008, both of which were submitted well beyond the prescribed time limit under the applicable rules.

6. It is further submitted that under Rule 9 of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, an alternative application for compassionate appointment may be submitted by another eligible family member within a period of one year from the date of making the original application, subject to the conditions prescribed therein. No such alternative application shall be entertained beyond the said time period. The petitioner's



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claim is clearly barred by limitation and does not fall under any permissible exception. Moreover, it is submitted that the petitioner had attained majority and completed his educational qualification much later and mere educational attainment at a subsequent stage cannot revive a time-barred claim under the compassionate appointment scheme, which is an exception to the general rule of public employment.

7. The learned Special Government Pleader, therefore, contends that the prayer sought by the petitioner is not only contrary to Rule 9 of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, but also unsupported by any valid justification and hence, the writ petition deserves to be dismissed.

8. Upon considering the submissions and materials placed on record, this Court finds no merit in the writ petition. The claim of the petitioner for compassionate appointment is barred under Rule 9 of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, owing to the delayed submission of application and absence of any legally sustainable grounds



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for condonation of such delay. Accordingly, the writ petition stands dismissed as devoid of merits. No costs.

NCC : Yes / No

23.06.2025

Index : Yes / No

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To:-

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VIVEK KUMAR SINGH, J.

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