



W.P.(MD)No.19532 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.19532 of 2025

P.Muthu Ganesh

... Petitioner

-VS-

1.The Director,
Directorate of Medical Education and Research Centre
Kilpauk, Chennai 600 010.

2.The Dean,
Government Sivagangai Medical College Hospital,
Sivagangai.

3.The District Collector,
Collectorate,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's application dated 05.06.2024 in lieu of petitioner's father's application dated 10.01.2017, re-submitted by the petitioner on 14.02.2025 for compassionate appointment of the petitioner on the death of petitioner's mother Vanitha, Nurse, employed in the second respondent, on merit and in accordance with law and in the light of continuous indigent circumstance of petitioner.



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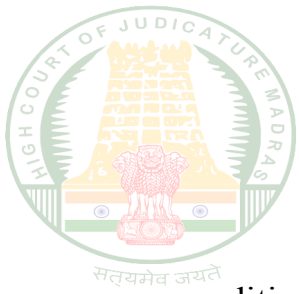
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For Petitioner : Mr.S.Srinivasa Raghavan
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's application dated 05.06.2024, submitted in lieu of the petitioner's father's earlier application dated 10.01.2017 and re-submitted by the petitioner on 14.02.2025, for compassionate appointment on account of the death of the petitioner's mother, Vanitha, who was employed as a Nurse under the second respondent, on merits and in accordance with law, taking into account the petitioner's continued indigent circumstances.

2. The learned counsel for the petitioner submits that the petitioner is the son of late Vanitha, who was employed as a Nurse at the Government Sivagangai Medical College Hospital and died in harness on 18.04.2016. At the time of her demise, the petitioner was only 10 years old. Initially, the petitioner's father, G.Periyasamy, applied for compassionate appointment on 10.01.2017 within the prescribed three-years period. However, due to the father's present impoverished



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condition and inability to support the family and with his consent, the petitioner submitted a fresh application dated 05.06.2024 to be considered in lieu of his father's pending application.

3. It is submitted that the said application was rejected by the second respondent on 30.12.2024, purportedly based on instructions from the first respondent, citing that a substitution application after a year from the original application could not be entertained. No copy of such instruction was furnished to the petitioner. The petitioner, undeterred, re-submitted his application on 14.02.2025, which was acknowledged and forwarded by the second respondent to the first respondent for necessary consideration under Na.Ka.No.679/Ni4/2020 dated 25.02.2025.

4. It is further submitted that the third respondent had also sent a communication to the second respondent on 05.03.2025, seeking a proposal, if the petitioner was found eligible under the Rules governing compassionate appointments. Despite these developments, no final decision has been communicated to the petitioner and the matter remains pending.

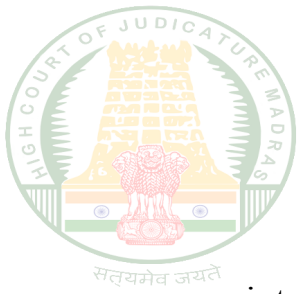


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5. The learned counsel emphasizes that the petitioner, who has studied up to XII Standard, is still unemployed and continues to live in dire economic circumstances following the death of his mother, the sole breadwinner of the family. The substitution of the compassionate appointment application is legally permissible, as held by the Hon'ble Division Bench of this Court in W.A.(MD) No.1496 of 2011 dated 12.08.2013, and the respondents' inaction amounts to gross injustice. Therefore, the learned counsel for the petitioner prays that this Court may be pleased to issue appropriate directions to the respondents to consider the petitioner's application for compassionate appointment in accordance with law and based on the continuous indigent circumstances of the family.

6. The learned Special Government Pleader appearing for the respondents submits that already the second respondent vide his proceedings dated 28.01.2025, has rejected the petitioner's claim for compassionate appointment. It is submitted that the petitioner's mother died in service on 18.04.2016 and the first application for compassionate appointment was submitted by the petitioner's father on 10.01.2017. Subsequently, the petitioner submitted an alternative application to the second respondent on 05.06.2024 seeking compassionate

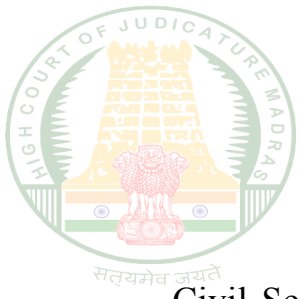


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appointment for him, which was submitted well beyond the prescribed time limit under the applicable rules.

7. 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 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.

8. 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



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Civil Services (Appointment on Compassionate Grounds) Rules, 2023, but also unsupported by any valid justification and hence, the writ petition deserves to be dismissed.

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

NCC : Yes / No
Index : Yes / No
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18.07.2025

To:-

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VIVEK KUMAR SINGH, J.

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