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**W.P.(MD) No.20807 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.09.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) No.20807 of 2021**

**and**

**W.M.P.(MD) No.17424 of 2021**

1.K.Jeganathan

2.Sarada Jeganathan

... Petitioners

-VS-

1.The Union of India  
rep.by its Secretary to Government  
Ministry of Defense (BR Wing)  
'B' Wing, 4<sup>th</sup> Floor  
Sena Bhawan, New Delhi-110 011

2.The Director General  
Directorate of Border Roads  
Seema Sadak Bhawan  
Ring Road, Delhi Cantt  
New Delhi-110 010

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the impugned orders passed by the 2<sup>nd</sup> respondent in proceedings bearing No.



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15170/DGBR/EBW/102/E1C 'C' dated 20.11.2020 and No. 1517/DGBR/EBW/6/E1C 'C' dated 30.07.2021 and quash the same with a consequential direction directing the respondents to grant Compassionate Allowances under Rule 41 of CCS (Pension) Rules, 1972 to the petitioner.

For Petitioners : Ms.Jeena Rita David  
for M/s.Polax Legal Solutions

For Respondents : Mr.N.Jayakumar

### **ORDER**

This writ petition has been filed challenging the impugned proceedings of the second respondent, dated 20.11.2020 and 30.07.2021, under which the petitioners' request for compassionate allowance has been rejected.

**2.** The first petitioner served in the Border Roads Organisation for nearly thirty years and got discharged from service on 22.03.1997 on disciplinary grounds. The first petitioner had also challenged the discharge order discharging him from service by filing a writ petition before this Court. Admittedly, the said writ petition also came to be dismissed by this Court.



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Therefore, the findings rendered by the respondents in the disciplinary proceedings, which resulted in the first petitioner being discharged from service, had attained finality.

**3.** The petitioners claim that under Rule 41 of the CCS (Pension) Rules, 1972, they are entitled to receive compassionate allowance considering their plight. The same has been rejected under the impugned proceedings by the second respondent, on the ground that the first petitioner having been discharged from service on account of disciplinary grounds and also on the ground of laches, the first petitioner is not entitled for compassionate allowance.

**4.** Counter has been filed by the respondents reiterating the contents of the impugned proceedings by reiterating that the petitioners are not entitled to get compassionate allowance and their claim has also got to be rejected on account of laches.

**5.** Learned counsel for the petitioners drew the attention of this Court to the decision of the Honourable Supreme Court in Civil Appeal No.



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2111 of 2009, dated 11.04.2014, in the case of ***Mahinder Dutt Sharma vs. Union of India & others.*** Relying upon the said decision, learned counsel for the petitioners would submit that the Honourable Supreme Court had granted compassionate allowance to the petitioner therein under Rule 41 of the CCS (Pension) Rules, 1972.

**6.** But, as seen from the said decision, it was not a case, where the petitioner therein had approached the respondents for compassionate allowance belatedly and it was also not a case, where the petitioner therein was discharged from service on account of disciplinary grounds. The facts of the case in the decision rendered by the Honourable Supreme Court relied upon by the learned counsel for the petitioners are different from the facts of the case on hand. In the decision rendered by the Honourable Supreme Court, the petitioner therein had an unblemished track record and he had also obtained several awards for his service and therefore, the same cannot be equated to the case of the petitioners herein. Admittedly, the representation of the petitioners for compassionate allowance was given belatedly and the first petitioner was also discharged from service on account of disciplinary grounds and the findings rendered by the respondents have also attained finality, since



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the writ petition filed by the first petitioner challenging the said findings has also got dismissed by the orders passed by this Court.

**7.** For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**17.09.2025**

(2/2)

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

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To:

- 1.The Secretary to Government,  
Ministry of Defence (BR Wing),  
Union of India,  
'B' Wing, 4<sup>th</sup> Floor,  
Sena Bhawan, New Delhi-110 011.
- 2.The Director General,  
Directorate of Border Roads,  
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**ABDUL QUDDHOSE, J.**

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**17.09.2025**

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