



W.A(MD)No.2384 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2384 of 2025

and

C.M.P(MD)No.13395 of 2025

Dineshkumar

... Appellant/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/Respondents



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PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order dated 23.06.2025 passed in W.P(MD)No.16728 of 2025.

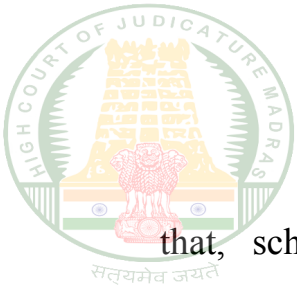
For Appellant : Mr.S.Vikram
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

Intra Court appeal on hand has been instituted to assail the writ order dated 23.06.2025 passed in W.P(MD)No.16728 of 2025.

2. The scheme of compassionate appointment is a concession. Thus, the compassionate appointment can never be claimed as a matter of right. The purpose and objective of the scheme of compassionate appointment is to mitigate the circumstances arising on account of death of a Government employee in service. Thus, the scheme is to be implemented scrupulously by following the terms and conditions stipulated. Compassionate Appointment is not a constitutional scheme of appointment. There is no merit assessment. Rule of Reservation is not followed. It is provided to the legal heirs of the deceased employee while in service. Therefore, large scale Compassionate Appointments are affecting the efficiency level in public administration. The Supreme Court has time and again reiterated



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that, scheme of compassionate appointment is not meant to provide one appointment to the family of the deceased employee. It is the penurious circumstances of the family, the necessity to provide such compassionate appointment. All sources of income to be taken into consideration for the purpose of providing appointment on compassionate grounds.

3. In the present case, the father of the petitioner died on 09.06.2005. Initially, an application seeking compassionate appointment was filed by the daughter of the deceased employee Selvi.S.Kavitha on 09.08.2006. At that point of time, the petitioner was a minor and not eligible for appointment. The first application submitted by the daughter of the deceased employee had been withdrawn on the ground that she got married. Thereafter, the petitioner on attaining the age of majority filed an application seeking compassionate appointment. This exactly is the reason why the Courts have time and again reiterated that the very purpose of the scheme is not to provide one Government employment to the family of the deceased employee. The very purpose is to mitigate the circumstances arising on account of the sudden death and the penurious circumstances would be greater relevance for the purpose of providing compassionate appointment.



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4. Efflux of time is also a ground to reject the application. Since the circumstances arose on during the death of an employee became vanished, second application by the another legal heir is also not maintainable. These positions have already been reiterated by the Courts. It is not as if one legal heir after another legal heir file an application seeking appointment. In the present case, the daughter of the deceased employee settled by marriage and therefore, the second application was filed by the petitioner seeking compassionate appointment. Thus, the very indigent circumstances itself is questionable and the application is not entertainable in view of the conditions stipulated under the scheme.

5. Misplaced sympathy will affect the chances of the meritorious candidates, who can participate in the public administration in the better manner. Equality in employment is the constitutional mandate. Thus, any special scheme related appointments must be restricted in order to preserve merits in the public appointments and to enforce the constitutional scheme of appointments. The constitutional scheme of appointments under the relevant recruitment rule is in force.



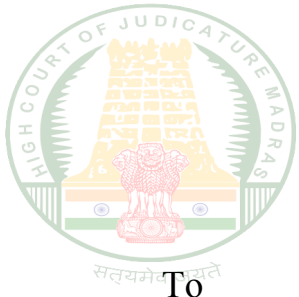
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6. The learned Single Judge considered the fact that the petitioner has attained majority after sometime and the daughter of the deceased employee filed the application at the first instance. Once the said application had been withdrawn, then, no other application from the other legal heirs is entertaintable under the scheme. Therefore, this Court do not find any infirmity in respect of the decision taken by the Writ Court, which is confirmed.

7. Accordingly, the writ appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is also closed.

(S.M.S., J.) & (G.A.M., J.)
19.08.2025

NCC : Yes / No
Index : Yes / No
am



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