

W.A.(MD)No.773 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.03.2025

PRONOUNCED ON : 08.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.773 of 2025

R.Thangeswran

... Appellant

Vs.

1.The Commissioner,
Commissioner of Revenue Administrative
and Disaster Management,
Chepauk, Chennai-5.

2.The Assistant Director (Panchayats),
Department of Rural Development and
Panchayat Raj,
Virudhunagar.

3.The District Collector,
Collectorate Campus,
Virudhunagar.

4.The Block Development Officer,
Watrap Panchayat Union,
Watrap.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.27305 of 2022, dated 06.06.2024.



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For Appellants :Mr.I.Suthakaran
For Respondents :Mr.S.S.Madhavan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed against the order passed in W.P. (MD)No.27305 of 2022, dated 06.06.2024.

2.The writ petition was filed for issuance of a writ of Certiorarified Mandamus, to quash the order, dated 22.06.2022, passed by the 3rd respondent and consequently, to direct the respondents to grant the petitioner a compassionate appointment on the death of his father due to COVID-19, while he was in the service of “Thooimai Kavalari” under the 4th respondent.

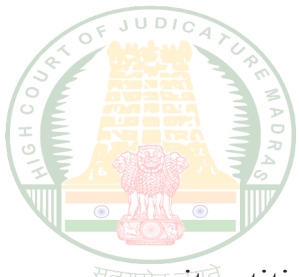
3. The brief facts as stated in the affidavit is that the writ petitioner's father was working as a "Thooimai Kavalari" with the 4th respondent and on 27.07.2020, he was admitted in the Government Rajaji Hospital at Madurai as he tested positive for Covid-19, where he succumbed on 30.07.2020 and his body



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was cremated at Thathaneri Electrical Funeral Ground at Madurai. The writ petitioner belongs to Scheduled Caste community (Hindu-Parayar) and the petitioner's family consists of 5 members including aged grandmother. The writ petitioner's father's income was the main source of income to the writ petitioner and his family. The writ petitioner has completed B.A., (Economics) in Madurai Kamaraj University. Since the writ petitioner's father died due to the COVID-19 while he was in service as "Thooimai Kavalalar", the writ petitioner's mother made request to the government for monetary assistance of Rs.50 Lakhs/- and the writ petitioner requested for compassionate appointment on the ground that the relief measures were announced by the government in the letter, dated 28.07.2020, by the 1st respondent. After repeated request to the respondents, the writ petitioner's mother was granted monetary assistance of Rs.25,00,000/- by the government, vide G.O.No.289, of 2nd respondent department, dated 14.12.2021 and the writ petitioner's application for government job was rejected by the 1st respondent in Na.Ka.No.P3/27935/2022, dated 22.06.2022, stating no such Rules / Government Order / Government Letter was announced for appointment on compassionate ground. The contention of the petitioner is that the said impugned order is against the announcement made by the government, vide letter, in Ne.Mu.Ka.No.Varu.Thani 5(2)/18352/2020, dated 28.07.2020. Hence, the present



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writ petition is filed.

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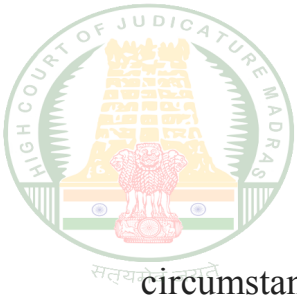
4. The 4th respondent has filed a counter affidavit in the writ petition, wherein it is stated that the writ petitioner's father namely, G.Rajendran was not an employee of the 4th respondent but had worked as "Thooimai Kavalari" under Solid Waste Management Scheme. The Solid Waste Management Scheme was floated by the State Government, vide G.O.Ms.No.54, dated 10.04.2018, wherein solid waste management works were outsourced at every level through Independent Agency, viz., Village Poverty Reduction Committee / Panchayat Level Federation (PLF). The Maharajapuram Village Panchayat under 4th respondent Union executed solid waste management works through outsourced agency, viz., Maharajapuram Village Poverty Reduction Committee. The writ petitioner's father was selected and appointed as "Thooimai Kavalari" under Solid Waste Management Scheme by Maharajapuram Village Poverty Reduction Committee through Resolution No.137, dated 10.04.2018. Under the Scheme, every "Thooimai Kavalari" was paid a sum of Rs.3,600/- per month on consolidated basis with effect from 05.12.2020 and the writ petitioner's father was receiving Rs.3,600/- per month on consolidated basis. There is no scheme or rules for providing compassionate appointment to "Thooimai Kavalari" appointed under



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Solid Waste Management Scheme. Further, the writ petitioner's father is not a regular employee of the 4th respondent. During the COVID-19 pandemic situation, the State Government was pleased to announce monetary assistance / compensation for frontline workers like Doctors, Nurses, Police, Help Workers, scavengers etc., who died on account of COVID-19 disease, while performing their duties. Hence, the case of the writ petitioner's father was sympathetically considered and compensation of Rs.25,00,000/- was awarded to the writ petitioner's family, vide G.O.Ms.No.289, dated 14.12.2021. The grant of compensation to the family of frontline workers cannot be taken advantage for insisting appointment under compassionate grounds, since there is no such scheme for providing compassionate appointment to the legal heirs of "Thooimai Kavalar" appointed under Solid Waste Management Scheme. At no stretch of imagination, the writ petitioner's father cannot be termed as a regular employee of State Government in order to adopt the scheme of compassionate appointment. The scheme of compassionate appointment was introduced to mitigate the circumstances arising on account of sudden demise of the regular government employee. Further the compassionate appointment is neither a regular appointment nor an appointment under the constitutional scheme. It is a concession granted to the government employees on certain exceptional



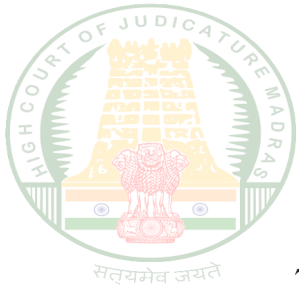
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circumstances. Thus, the compassionate appointment can never be claimed as a matter of right and only if a person is entitled under the terms and conditions, then alone the scheme can be extended but not otherwise. Equal opportunity in public employment is a constitutional mandate. All appointments are to be made in accordance with the rules and by providing equal opportunity to participate is the process of selection. Hence, the 4th respondent prayed to dismiss the writ petition.

5. After hearing the rival contentions, the Writ Court has held that the compensation was granted since the petitioner's family is not entitled to get the benefits of regular government employee. Therefore, the petitioner cannot seek another benefit for which he is not eligible and dismissed the writ petition. Aggrieved over the same, the writ petitioner has preferred the present writ appeal.

6. The primary contention of the appellant/ writ petitioner is that the Hon'ble Chief Minister had announced compensation of Rs.50,00,000/- along with a post to the eligible member of the family of the deceased government servant who served as front worker during Covid-19. The said contention of the petitioner cannot be accepted since the same is only announcement but there is no such government order to this effect.



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7. Further it is seen that the deceased was not a regular government employee but only an employee under a scheme with consolidated salary. The G.O. grants compassionate appointment specifically states no compassionate appointment can be granted for deceased family who served as NMR, daily wages, consolidated pay, temporary employees. The compassionate appointment is meant for the family of regular employee alone.

8. Further it is seen that the government had already paid compensation of Rs.25,00,000/- to the deceased employee's family. Therefore, it cannot be stated that the deceased employee's family is in indigent circumstances.

9. Therefore, for the reasons stated supra, this Court is of the considered opinion that the appellant has not raised any legally sustainable ground to interfere with the order passed by the Writ Court. Hence the writ appeal is dismissed. No costs.

[J.N.B., J.] [S.S.Y., J.]

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Index : Yes / No

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