

W.A(MD)No.243 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.243 of 2024
and
C.M.P(MD)No.2254 of 2024**

The Superintendent of Police,
Security Branch,
Chennai – 28.

... Appellant /
Respondent

Vs.

(*)I.Shiny

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 16.08.2023 in W.P(MD)No.12119 of 2022 by allowing this Writ Appeal.

For Appellant : Mr.A.Kannan
Additional Government Pleader

For Respondent : Mr.R.Murali



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JUDGMENT

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(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The department is on appeal questioning the order of the learned single Judge granting compassionate appointment to the writ petitioner. The writ petitioner's father was serving as a Sub Inspector of Police when he died on 22.03.2013. Application for compassionate appointment was made in time. During the relevant time, the applicant was not married. In fact, her application was favourably processed and even appointment order had been issued. However, the writ petitioner was subsequently called upon to produce an integrated certificate and based on the same, rejection order came to be passed on 08.01.2021. Challenging the same, the petitioner filed W.P(MD)No.12119 of 2022. The learned single Judge set aside the order impugned in the Writ Petition and allowed the Writ Petition in the following terms:

“7.On perusal of said the Government Order cited supra, under the head legal heirs, who are eligible for compassionate ground appointment it is given as hereunder:

“LEGAL HEIRS / NEAR RELATIVES OF THE DECEASED GOVERNMENT SERVANT / PERSON WHO ARE ELIGIBLE FOR



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COMPASSIONATE GROUND APPOINTMENT:

(i) Son / Unmarried Daughter / wife / Husband / legally adopted son/ legally Unmarried adopted daughter / widowed daughter / divorced daughter / deserted daughter of the deceased Government servant.

(ii) Father / Mother and unmarried brothers and unmarried sisters of the unmarried deceased Government Servants.

(iii) Married daughter of the deceased Government Servant who is otherwise eligible.

(iv) If any person, in the deceased Government Servant's family was employed even before the death of the Government Servant but was living separately without extending any help to the family, then the case of other eligible dependant will be considered.

(v) If any dependant/dependants of deceased Government Servant is/are employed in Military Service, one of the other dependents is eligible for appointment under compassionate ground.

(vi) If any member of the deceased Government Servant's family is working on Temporary / Part time basis such as noon-meal organizer and helpers, and those who work on dally wages, the other dependents of the family may be considered for providing appointment.

8. In the said Government Order in clause (V), it is stated that if any of the legal heir of the deceased employee employed in military service, then any other dependent can be considered for the compassionate ground appointment. However, in this case, none of the legal heirs of the deceased are employed in military service, only the deceased's son-in-law, was employed



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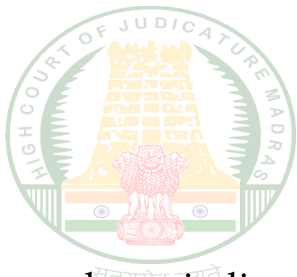
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in military service, that too as of now, he is discharged from military service.

9.That apart the said Government Order cited supra, also mandates that while considering application for compassionate ground, for the assessment of annual income of the family, the family pension of the deceased employee and the immovable property like living house of the employee need not be taken into account. Therefore, in terms of the said Government Order itself, the contentions of the Special Government Pleader cannot be sustained.

10.It is a clear case, where the petitioner is a married daughter of the deceased employee and vide the impugned order, the respondent has rejected the application of the petitioner seeking compassionate ground, on the ground that the petitioner's husband is a military man and that the petitioner's mother and her husband are also having houses on their own. However, that will not disqualify the petitioner's eligibility to seek appointment on compassionate ground. Therefore, the impugned order of the respondent, dated 08.01.2021 is hereby quashed and I consequently, direct the respondent to appoint the petitioner in a suitable post, as per the appointment order issued by the respondent, on 23.10.2020, within a period of twelve (12) weeks from the receipt of a copy of this order."

3.The learned Additional Government Pleader while arguing the Writ Appeal reiterated all the contentions set out in the grounds of Appeal. He pointed out that the writ petitioner's husband was working in military as Sepoy. Though he has now been discharged from service, he is now getting Rs.22,000/- (Rupees Twenty Two Thousand only) as pension. According to him, the writ petitioner cannot be said to



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be an indigent person.

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4.We are not impressed by this argument. What has to be taken into account is the position that obtained when the application was made. The writ petitioner's father died in the year 2013. The application was made within time. Admittedly, during the relevant time, the writ petitioner was not married. Therefore, subsequent change in her marital status cannot be reckoned to her prejudice. More than anything else in this case, the appointment order had already been issued. The learned single Judge rightly granted relief to the writ petitioner. Interference with the said order is not warranted.

5.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

20.06.2025

(*)Corrected as per order of this Court dated 25/08/2025 made in WAMD)No.243 of 2024

Sd/-

Assistant Registrar (CS II)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

MGA

To:-



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The Superintendent of Police,
Security Branch,
Chennai – 28.

+1 CC to M/s.R.MURALI, Advocate (SR-36260[F] dated 23/06/2025)

+1 CC to M/s.SPL.GP (SR-36278[F] dated 23/06/2025)

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II/09.07.2025 6P/ 4C

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