



W.A.No.128 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.No.128 of 2026
and
C.M.P.No.1083 of 2026**

R.Kanagavalli

... Appellant

-Vs-

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Greater Chennai Police,
Mylapore,
Chennai – 600 004.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Chennai Metropolitan Police,
Chennai – 600 007.

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 19.09.2024 in W.P.No.27142 of 2024.



For Appellant : Mr.Leelesh Sundaram
for M/s.Nathan and Associates

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order dated 19.09.2024 made in W.P.No.27142 of 2024.

2. The appellant / writ petitioner's father, who was working as Junior Assistant in the Chennai Metropolitan Police Department died in harness on 10.08.1996, leaving behind the appellant / petitioner, her brother and mother as legal heirs.

3. At the time when her father died, the appellant / petitioner was nine years old, therefore, on behalf of the brother of the petitioner who was also minor as he was only 14 years old, the mother of the appellant / petitioner had given an application on 24.10.1996 seeking compassionate appointment for him, i.e., for minor. That application was not considered because even the



brother of the petitioner was minor at that time. Subsequently, after the appellant / petitioner has become major, she seems to have made an application belatedly, that was rejected through the order impugned before the writ Court.

4. The writ Court having considered the factual matrix as well as the legal position in view of the law having been declared by the Full Bench of this Court in *Nandini Devi Vs. Secretary to Government* in *W.P.(MD)No.7016 of 2011 dated 11.03.2020* which has been followed by a Division Bench of this Court in the case of *Tamil Nadu State Transport Corporation (Madurai) Limited and another Vs. S.Azarutheen* in *W.A.(MD)No.120 of 2021 dated 03.08.2022* and also in number of such cases where such view has been taken following the decision taken by the Full Bench of this Court, the learned Judge has rejected the said writ petition through the impugned order.

5. Heard Mr.Leelesh Sundaram, learned counsel appearing for the appellant.

6. Admittedly the appellant's father died in 1996 and we are in 2026. The scheme of compassionate appointment is only to immediately bail out the family of the deceased employee where the family is in indigent circumstances.



7. Here in the case in hand, after three decades, it cannot be imagined even to state that the family has been still in indigent circumstances for all these years, therefore, for that reason alone, the plea now raised by the appellant / petitioner cannot be considered. Moreover as has been rightly pointed out by the learned Judge through the impugned order, the issue has already been settled by the Full Bench judgment referred above and which has been followed in number of cases where such belated application may not be considered under the scheme of compassionate appointment.

8. In the recent judgment of Hon'ble Supreme in the matter of **Canara Bank Vs. Ajithkumar G.K** reported in **2025 SCC Online 290** in paragraph Nos.44 & 45 held as follows:

*“44. As pertinently held in **B. Kishore** (supra), indigence of the dependants of the deceased employee is the fundamental condition to be satisfied under any scheme for appointment on compassionate ground and that if such indigence is not proved, grant of relief in furtherance of protective discrimination would result in a sort of reservation for the dependents of the employee dying-in-harness, thereby directly conflicting with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution. Also, judicial decisions abound that in deciding a claim for appointment on compassionate grounds, the financial*



situation of the deceased employee's family must be assessed. In a situation otherwise, the purpose of the scheme may be undermined; without this evaluation, any dependent of an employee who dies while in service might claim a right to employment as if it is heritable.

*45. The ratio decidendi of all these decisions have to be read in harmony to achieve the noble goal of giving succour to the dependants of the employee dying-in-harness, who are genuinely in need, and not with the aim of giving them a post for another post. One has to remember in this connection the caution sounded in **Umesh Kumar Nagpal** (supra) that as against the destitute family of the deceased there are millions of other families which are equally, if not more, destitute.”*

9. Therefore, the order passed by the writ Court which is impugned herein is fully in consonance with the settled legal position and therefore, the present appeal is devoid of merits and hence, we are not inclined to entertain this Writ Appeal, accordingly, it is dismissed. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

(R.S.K., J.) (S.S.A., J.)
19.02.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



To

1. The Secretary,
State of Tamil Nadu,
Home Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Greater Chennai Police,
Mylapore,
Chennai – 600 004.
3. The Commissioner of Police,
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