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WP No. 2508 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11-02-2026

Pronounced on : 13-02-2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No. 2508 of 2021 and

WMP No.2832 of 2021

R.Yogesh Kumar

Petitioner

Vs

1. The Management of Chennai
Petroleum Corporation Ltd. (CPCL),
New No. 536, Anna Salai, Teynampet,
Chennai 600 018.

2.The General Manager (HR)
The Management of Chennai Petroleum
Corporation Ltd. (CPCL),
New No. 536, Anna Salai, Teynampet,
Chennai 600 018.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to his proceedings in HRD:05.080 / 3639 and quash the order dated 22.09.2017 and consequently direct the respondents to appoint the petitioner on compassionate ground to a suitable post considering his educational qualification.

For Petitioner: Mr.R.Sivakumar for
Ms.R.Poornima

For Respondents: Mr.Shivathanu Mohan for
Mr.S.Ramasubramanian

ORDER



Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the records.

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2. The petitioner by the present writ petition assails the action of the second respondent in issuing the impugned proceeding dated 22.09.2017 by which the request made by the petitioner's mother under letter dated 30.08.2017 for providing suitable job to the petitioner on compassionate grounds, has been rejected.

3. The facts giving rise to the present writ petition are that the petitioner's father while working as an operator in the respondents' plant, had deceased on 23.03.2010, while discharging his duties and trying to prevent Hydrogen Sulphide (H₂S) gas leak at the respondents plant.

4. Petitioner contends that if his father did not risk his life on the fateful day, seeking the gas leak, he having moved towards the compressor plant and switching off the device, resulted in preventing in one of the worst industrial disaster; and that by showing his bravery, the petitioner's father had saved the Refinery plant and thousands of lives by sacrificing his own life.

5. On behalf of the petitioner, it is contended that on account of the sudden death of his father who was aged about 42 years then, the family of the



petitioner lost the support of the bread winner; that his mother had approached the respondents and sought for being provided with the compassionate appointment; and that inspite of petitioner's mother being highly qualified with a degree in M.Sc., and M.Phil in Chemistry, the respondents did not provide her with compassionate appointment despite the fact that petitioner's father having sacrificed his life by preventing a major industrial disaster.

6. It is the further case of the petitioner that one of the Standing Committee Member of Petroleum and Natural gas, taking note of the risk taken by the petitioner's father to prevent the gas leakage in the Refinery, thereby saving the plant and saving the lives of many people at the cost of his life, had addressed a communication dated 29.09.2011 to the Chairman and Managing Director of the first respondent to provide petitioner's mother with compassionate appointment; and that inspite of the aforesaid communication from the Standing Committee Member also, the respondents did not offer employment to the petitioner's mother on compassionate grounds, due to which, the petitioner's family had suffered.

7. On behalf of the petitioner, it is also contended that on the petitioner's mother seeking compassionate appointment, the respondents claimed that it does not have a scheme/policy in place for providing employment on



compassionate grounds, the request of the petitioner's mother cannot be considered; and that the respondents had only offered his mother 100 times salary of her husband as ex-gratia payment.

8. It is the further case of the petitioner that while the respondents claimed that there is no scope for providing appointment on compassionate grounds at the relevant point of time, the respondents subsequently in the year 2015, provided for compassionate appointment; and that the petitioner who is the son of the deceased employee, in the meantime having completed his Engineering graduation, his mother had submitted a representation to the respondents under letter dated 30.8.2017, requesting for suitable job for him; and that the respondents by the impugned proceedings rejected the said request on the ground that in order to mitigate the hardship caused to the family of its deceased employee, i.e., the petitioner's father, the respondent went out of way, to get special approval from the competent authority as a special case without setting precedence, for payment of ex-gratia of 100 times pay to his family; and that the scheme providing for compassionate appointment by way of amendment / formulation of policies and rules are prospective in nature; and thus, expressed request to extend further help / compassionate appointment to the petitioner.

9. The petitioner contends that the respondents by making payment of ex-



gratia, cannot claim they are under no obligation or duty to provide compassionate appointment, on the ground that the amendment would only have prospective effect, as in the past even without there being any policy/scheme for compassionate appointment, have provided compassionate appointment to people, few of whom are Mrs.Sulochana (Employee No.803264), working as Senior Office Attendant, R & D Department, Mrs.Esther Rani (Employee No.803268), working as Senior Office Attendant, OHS Laboratory, Mrs.Leela bhai, (Employee No.803275), Senior Office Attendant, Environmental Protection and Safety Department. Thus, the petitioner contends that the claim of the respondents that there existed no policy for compassionate appointment prior to 2015 is make belief and that the respondents having framed a policy in the year 2015, are required to consider the claim of the petitioner for being provided with appointment on compassionate ground.

10. The petitioner further contends that though his mother had sought for compassionate appointment immediately after his father's death, as the respondents claimed non-existence of any scheme / policy of the respondents for providing compassionate appointment and on the other hand, promised his mother that the petitioner will be offered compassionate appointment on attaining degree, his mother did not pursue her claim for being provided with



appointment on compassionate grounds to herself; and that the respondents are now claiming that the scheme / policy of compassionate appointment brought into force by amendment / modification of the respondents policy, would only have prospective effect, thereby ignoring the sacrifice made by the petitioner's father and also the promise made by them at the relevant point of time to take care of the petitioner's family.

11. On behalf of the petitioner, it is also contended that the respondents are required to consider the policy in force on the date when the application is made and not on the date of death of the employee; and that the petitioner having made application on 30.08.2017, relevant to compassionate appointment scheme in force on the said date, would have to be considered even though the incident in which the petitioner's father had deceased had occurred earlier.

12. Contending as above, the petitioner seeks for setting aside the impugned proceeding and consequently direct the respondents to provide appointment to the petitioner on compassionate ground in the respondent's unit.

13. In support of the aforesaid contentions, reliance is placed on the decision of the Apex Court in the case ***N.C.Santhosh Vs. State of Karnataka and Ors. reported in (2020) 7 SCC 617.***



17. The respondent further contended that it had paid an amount of Rs. 25,50,000/- to the petitioner's mother as ex-gratia compensation on 15.11.2010 in addition to the other benefits to which the deceased employee was entitled to in December, 2011 and in all aggregating Rs.52,15,529/- including the ex-gratia amount; and that the respondent also waived the house loan of Rs.4.84 lakhs outstanding to the deceased employee's account.

18. The respondent also contended that the petitioner's mother having accepted the ex-gratia payment and also other benefits payable to her deceased husband being settled in December 2011, did not pursue her claim for compassionate appointment, as the respondents' scheme at the relevant point of time did not provide any such compassionate appointment; and that the petitioner's family is also receiving the benefit under the Defined Contribution Superannuation Scheme dated 01.11.2006.

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over the crisis, which they are faced with.

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20. The respondents further contended that being a model employer, the respondent continuously formulates / amends its policies and rules from time to time keeping in consideration the overall welfare of its employees; and that in order to address the existing hardship caused to the families of employees who passed away, the respondent had introduced the scheme of compassionate appointment in the year 2015; and that the petitioner cannot seek for benefit of the amended scheme, as his mother had availed the monetary benefit extended to her in the form of ex-gratia payment at the relevant point of time as the scheme of the respondents did not provide for any compassionate appointment which came into force after 6 ½ half years from the date of death of Petitioner's father. Contending as above, respondents seek for dismissal of the petition.

21. I have taken note of all the respective contentions of the learned counsel appearing on either side.

22. Before proceeding to consider the rival contentions, this Court having noticed that the petitioner's mother having sought for compassionate appointment in the year 2010 on the death of her husband and not having pursued her claim subsequently, had enquired with the counsel for the petitioner



that in the event of this Court directing the respondent to provide employment to the petitioner's mother being highly qualified, possessing M.Sc and M.Phil.

Degrees on compassionate grounds, whether the deceased employee's wife would refund ex-gratia payment received by her, the learned counsel for the petitioner had stated that it would not be possible.

23. The aforesaid statement made by the learned counsel for the petitioner would only go to show that the petitioner's mother had reconciled with not being provided employment on compassionate ground, by accepting ex-gratia payment.

24. Though on behalf of the petitioner, it is contended that when his father had deceased a promise was made to his mother that her son would be provided compassionate appointment on attaining his degree; it is to be noted that the petitioner was hardly about 13 to 14 years at the time of demise of his father and neither the petitioner's mother nor the respondents could have imagined about the academic pursuit the petitioner would undertake, and also visualize that the policy/scheme would come in future for providing particularly in for employment on compassionate grounds, for them to have made the aforesaid promise/commitment, in the absence of any material being to the said effect.



25. On the other hand, it appears that though the petitioner's mother had initially made a claim for appointment on compassionate ground and on the respondents' instead of providing appointment on compassionate ground, having offered an ex-gratia payment, accepted the aforesaid offer in addition to the respondents extending other benefits as per the entitlement of the deceased employee. It is for the said reason the petitioner's mother did not pursue her claim further, after December 2011, when she had received other monetary benefits from the respondents.

26. It is also to be noted that the respondents had amended the scheme and provided for compassionate appointment in the year 2015. Neither the petitioner nor his mother approached the respondents immediately thereafter for being provided with employment on compassionate ground on account of change in the policy of the respondents providing for compassionate appointment, claiming as having been promised few years back to the said effect.

27. Further, if only the respondents visualized the change in the scheme which is to take place five years later, such a promises could have been made. Thus, the said claim of the Petitioner of respondents having promised his mother that her son would being provided with compassionate appointment,



cannot be accepted in the absence of any documentary proof, and the petitioner having waited for further three years to pass by after the respondents having made amendments to its policy/scheme, for him to claim to be provided with appointment on compassionate grounds.

28. The petitioner though by placing reliance on the decision of the Apex Court in *N.C.Santhosh* case (supra), contended that the scheme prevailing on the date of consideration of the application, should be the basis, it is to be noted that the Constitution Bench of the Apex Court in a subsequent judgments in ***State of Madhya Pradesh and Ors. Vs. Amit Shrivastava, (2020) 10 SCC 496***, had held that the claim for compassionate appointment must be decided on the basis of the relevant scheme prevalent on the date of demise of the employee and subsequent scheme cannot be looked into.

29. The principle laid down in the aforesaid decision was followed again in the case of the ***State of Madhya Pradesh & Ors. Vs. Ashish Awasthi*** reported ***(2022) 2 SCC 157***.

30. The Hon'ble Supreme Court in the decision rendered in ***Canara Bank Vs. Ajithkumar G.K*** reported in ***2025 SCC Online Sc 290*** had cited the decision on which the reliance in the case of N.C.Santhosh and also subsequent



Judgment in the *State of Madhya Pradesh and Ors. Vs. Amit Shrivastava* and taking note of the fact that the decision in *State Bank of India Vs. Sheo Shankar Tewari reported in (2019) 5 SCC 600* is referred to a larger bench dealt with the real object sought to be achieved by offering compassionate appointment by drawing inspiration from the decision of the Apex Court in *General Manager (D and PB) and ors. Vs. Kunti Tiwary in (2004) 7 SCC 271*, held that the examination of the financial condition to ascertain whether the respondents were living in utter financial distress because of the death of the bread winner.

31. Applying the aforesaid principles as laid down by the Apex Court to the facts of the present case, as noted herein above, the respondents as a special case, after obtaining the special sanction, had made payment of ex-gratia amount of 100 times of salary of the petitioner's father to his mother, i.e., wife of the deceased employee, in addition to extending benefits to which the deceased employee was entitled, including the benefit of superannuation. Thus, it cannot be said that the petitioner / his mother are facing financial distress for them to be provided compassionate appointment. Further as noted herein above, the fact that the petitioner's mother having not pursued her claim for compassionate appointment after December 2011, only goes to show that the petitioner's mother had reconciled the fact of not being provided with



appointment on compassionate grounds, had accepted the monetary benefit in lieu of the compassionate appointment. Thus, the petitioner cannot claim of undergoing financial distress, to be provided with compassionate appointment as per the amended scheme.

32. For the above reasons, this Court is of the view, that the present petition as filed is devoid of merit and accordingly, is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

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Petroleum Corporation
Ltd. (CPCL), New No. 536, Anna Salai,
Teynapet, Chennai 600 018

2. The General Manager (HR)
The Management of Chennai Petroleum

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536, Anna salai, Teynapet, Chennai 600
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Pre-Delivery Order made in
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