



W.P. No.3996 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.3996 of 2024

1.R.Pushpalatha
2.S.R.Santhoshkumar

... Petitioners

Vs

1.GOVERNMENT OF TAMIL NADU,
REP. BY THE ADDITIONAL CHIEF SECRETARY TO GOVT.,
HOME (POLICE) DEPARTMENT, SECRETARIAT, CHENNAI-600 009.

2.THE DIRECTOR GENERAL OF POLICE,
TAMIL NADU, CHENNAI-600 004.

3.THE DEPUTY INSPECTOR GENERAL OF POLICE,
TECHNICAL SERVICES WING, CHENNAI-600 004.

4.THE ADDITIONAL SUPERINTENDENT OF POLICE (T),
HEAD QUARTERS / PLANNING, POLICE TELE COMMUNICATION
BRANCH, CHENNAI-600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, Calling for the records of the 3rd respondent in Na.Ka. No.N2/ 36/ 1315/ 2023 dated 21/03/2023 passed by the 3rd respondent herein to quash the same and to issue consequential directions to give appointment to the 2nd petitioner herein on compassionate ground consequent on the death of 2nd petitioner's father and 1st petitioner's husband Tr.S.Rajendran on 02.05.2022 while serving as Sanitary Worker in



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Kolli Hills Repeater Station of Police Telecommunication in Namakkal District

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For petitioners : Mr.M.Ravi

For respondents : Mr.P.Balathandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed praying to quash the order of the 3rd respondent in Na.Ka. No.N2/ 36/ 1315/ 2023 dated 21/03/2023 and to issue consequential directions to give appointment to the 2nd petitioner herein on compassionate ground consequent on the death of 2nd petitioner's father and 1st petitioner's husband Tr.S.Rajendran on 02.05.2022 while serving as Sanitary Worker in Kolli Hills Repeater Station of Police Telecommunication in Namakkal District.

2. The learned counsel appearing for the petitioners would submit that the first petitioner's husband namely Rajendran, who is the second petitioner's father, was initially appointed as Part Time Menial in Kolli Hills Repeater Station, Namakkal District on consolidated monthly pay of Rs.18/-. The same was raised to Rs.900/- per month. Later on, like the similarly placed employees in the same branch, he was brought into regular establishment and he was placed in time scale in the pay band of Rs.1300-2001-1500-25-3000 with Grade



pay of Rs.300/-. The second petitioner's father was regularised in the time scale and subsequently the second petitioner's father died on 02.05.2022 leaving behind the petitioners as legal heirs and after obtaining no objection certificate from the first petitioner and other legal heirs, the second petitioner made application for compassionate appointment. However, the same was rejected by the impugned order dated 21.03.2023. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioners would submit that providing the second petitioner compassionate appointment is governed by GO.Ms.No.18 Labour and Employment (Q1) Department dated 23.01.2020, in which there is a clause available for persons who are not entitled for compassionate appointment. In respect of the persons who are under temporary appointments, consolidated pay, daily wages, contract appointments and whose services are not regularised and the persons who do not come under regular time scale of pay, the legal heirs are not entitled for compassionate appointment. However, in the present case, the second petitioner's father was regularised vide order dated 07.08.2009 and he was brought under time scale in the non standard post. However, non standard post is not excluded in the said Government order. Hence, the rejection order passed by the respondents is unacceptable one.



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Therefore, he prayed for appropriate orders.

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4. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the second petitioner's father was a daily wage employee and subsequently he was appointed in a non standard post and awarded time scale of pay. Further, no regular time scale of pay was paid to the second petitioner's father. Hence, the second petitioner is not eligible to get compassionate appointment in view of GO.Ms.No.18 Labour and Employment (Q1) Department dated 23.01.2020. Accordingly, he prayed for dismissal of the writ petition.

5. Heard, the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

6. The facts of the case are not disputed. The second petitioner's father entered into service with the respondents department. On completion of 10 years of service, the second petitioner's father was brought under the non standard post by awarding time scale of pay and his services were regularised and thereafter he died in the year 2022. After obtaining no objection certificate from the other legal heirs, the second petitioner made application for



compassionate appointment. However, the same was rejected on the ground that the second petitioner's father was not given regular employment. The relevant portion of GO.Ms.No.18 Labour and Employment (Q1) Department dated 23.01.2020 is as follows:

Persons whose legal heirs are not eligible for consideration under compassionate ground appointment:

(i) Persons who are retained in service under Fundamental Rule 56(1) (c) after the date of superannuation.

(ii) Persons who are under Temporary appointments, consolidated pay, daily wages, contract appointments and who services are not regularised

(iii) Persons who do not come under regular time scale of pay

7. On perusal of the aforesaid clause makes it clear that for the persons who are under temporary appointments, consolidated pay, daily wages, contract appointments and the persons who do not come under regular time scale of pay, their legal heirs are not entitled for compassionate appointment. In the present case, the second petitioner's father's services were regularised and he was brought under the time scale of pay. Therefore, the second petitioner is entitled to claim compassionate appointment with the respondents. Hence, the impugned rejection order is unacceptable one and the same is liable to be set aside. Accordingly, the impugned order is set aside and the matter is remanded



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back to the third respondent. The third respondent is directed to consider the second petitioner's application for compassionate appointment, if any post is available including Sweeper post or last grade servant post in favour of the second petitioner and to pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order.

8. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

27.01.2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No

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