



WEB COPY

WP No.8990 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No.8990 of 2024

M.Jaya Suriya

Petitioner

Vs

1. The Director
Indian Institute of Technology,
Madras, Chennai 600036.

2.The Welfare Officer
Indian Institute of Technology,
Madras, Chennai 600036.

3.Joint Registrar
(Recruitment & Legal Dept.)
Indian Institute of Technology,
Madras, Chennai 600 036.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Certiorarified Mandamus, calling for the letter dated 15.02.2024 bearing reference No. Rect/Comp Appt/ 2023- 24 issued by the 3rd respondent and quash the same as being totally illegal, invalid and non- est and consequently direct the respondents to appoint the petitioner on compassionate basis in a suitable post.



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For Petitioner : Mr.R. Thiagarajan

For Respondents : Mr.Karthik Mukundan

for R1-R3

ORDER

This writ petition has been filed to call for the letter dated 15.02.2024 bearing reference No. Rect/Comp Appt/ 2023- 24 issued by the 3rd respondent and quash the same as being totally illegal, invalid and non- est and consequently direct the respondents to appoint the petitioner on compassionate basis in a suitable post.

2. It is averred that the petitioner's father was employed as a Driver in the Transport Cell of Indian Institute of Technology Madras for more than 25 years. He died in harness on 30.05.2004 at the age of 47, leaving behind his family, including the petitioner. Thereafter, she submitted an application seeking appointment on compassionate grounds before the respondents. It is the case of the petitioner that, instead of being granted regular appointment on compassionate grounds, he was offered a job in the year 2005 as a temporary Driver and has been continuing in service on contractual basis. According to the petitioner, he has been continuously serving in the said Institute, initially in the post of Attender and subsequently as a Driver, but all are on temporary terms. Subsequently, the petitioner's mother forwarded a representation dated 10.03.2023 to the respondents seeking permanent employment for his son.



Subsequently, the petitioner also made repeated several representations seeking compassionate appointment, the latest being dated 10.03.2023 addressed to the 1st respondent. As no orders were passed on the said representation, the petitioner earlier approached this Court in W.P. No.29294 of 2023. This Court, by its order dated 30.10.2023, directed the respondents to consider the petitioner's representation and pass appropriate orders. Pursuant thereto, the 3rd respondent passed the impugned order dated 15.02.2024 rejecting the claim of the petitioner for compassionate appointment, which is put under challenge in this writ petition.

3. Learned counsel for the petitioner submitted that the petitioner has been attempting to secure permanent employment in the Institute from the year 2005 onwards and that his request for compassionate appointment cannot be termed as belated, since he has been continuously approaching the authorities. It is submitted that though the petitioner has rendered nearly two decades of service on contractual basis, his case for compassionate appointment was ultimately rejected, necessitating the present writ petition.

4. In support of his submissions regarding the scope and object of compassionate appointment, the learned counsel relied upon an unreported judgment of the *Hon'ble Supreme Court in U.P. State Road Transport Corporation & Ors. v. Brijesh Kumar & Anr., Civil Appeal arising out of SLP (C) No.10546 of 2019*, and also upon the decision of the High Court of



Madhya Pradesh in W.A. No.977 of 2021 in Dharmendra Kumar Tripathi v.

State of Madhya Pradesh, wherein, according to the learned counsel, directions were issued in favour of the petitioner therein for appointment on compassionate grounds. In view of the above, this Court may quash the impugned rejection order dated 15.02.2024 issued by the 3rd respondent and he prayed for issuance of consequential directions to the respondents to appoint the petitioner on compassionate basis in a suitable post. Further, he prayed that this Court may allow the writ petition by granting the aforesaid reliefs.

5. Per contra, learned counsel for the respondents submitted that compassionate appointments in IIT Madras are made strictly in accordance with the guidelines issued by the Department of Personnel and Training (DoPT) and subject to the availability of vacancies under the prescribed quota. He further submitted that the petitioner's family had received all terminal benefits and that family pension has been sanctioned to the spouse of the deceased employee. He further argued that the petitioner's engagement through outsourcing agencies was purely on temporary and contractual in nature and does not confer any legal right to seek regular appointment. Therefore, he submitted that the impugned order rejecting the claim for compassionate appointment is valid and in accordance with the applicable rules and guidelines and interference in the said order is unwarranted. Hence, he prayed for dismissal of this writ petition.



6. Responding to the aforesaid submission, learned counsel finally submitted that the respondents failed to consider the long years of service put in by the petitioner and therefore, on the aforesaid score, this Court may consider and grant liberty to the petitioner to approach the competent authority for conferment of permanent status under the relevant scheme or to work out his remedy under the labour laws.

7. Heard the submissions made by the learned counsel on either side and perused the entire records.

8. This Court, in very many orders, has stated that as per the well settled position, one cannot claim compassionate appointment as a matter of right and the same is intended to provide immediate financial assistance to the family of a deceased employee in indigent circumstances. Such appointment has to be made strictly in accordance with the governing scheme and subject to the availability of vacancies. In the present case, the death of the employee occurred in the year 2004 and the petitioner has admittedly been engaged on contractual basis since 2005. On perusal of the impugned order, it is clear that the 3rd respondent has stated reasons for rejection of the petitioner's claim.

9. In the light of the settled legal principles governing compassionate appointment, this Court is not inclined to interfere with the impugned order. However, considering the facts and circumstances of the case as well as the submission made by the learned counsel for the petitioner, particularly with



regard to the long years of service rendered by the petitioner on contractual basis, this Court is of the view that the liberty can be granted to the petitioner to approach the competent authority seeking for conferment of permanent status, if he is otherwise eligible under any applicable scheme, or to avail appropriate remedy under the labour laws.

10. Accordingly, without interfering the rejection order dated 15.02.2024 issued by the 3rd respondent, which is impugned herein, liberty is granted to the petitioner to approach the competent authority concerned seeking for conferment of permanent status or to avail appropriate remedy under the labour laws. If any such representation is submitted by the petitioner, the competent authority shall consider the same independently, on its own merits and in accordance with law, without being influenced by any of the observations made in the impugned order or in this order.

11. With the above observations and liberty, the writ petition stands disposed of. No costs.

05.02.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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