



W.P.No.10718 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.02.2026

PRONOUNCED ON : 06.02.2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 10718 of 2021
and WMP No. 11362 of 2021

A.Sathiyaraj

..Petitioner(s)

Vs

1. The District Collector
O/o. The District Collector, villupuram District,
Villupuram.
2. The Tahsildar,
Tindivanam Taluk Office, Tindivanam, Villupruram
District.

..Respondent(s)

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in No.Na.Ka.A4/3380 /2020 dated 02/03/2021 passed by the 1st Respondent herein and quash the same and direct the 1st Respondent herein to appoint the petitioner as compassionate ground for the suitable post in the 2nd



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respondent within stipulated time maybe fixed by this Honourable Court.

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For Petitioner(s): M.Senthilkumar

For Respondent(s): Mr.T.Chandrasekaran, SGP

ORDER

Heard learned counsel for the petitioner and learned Special Government Pleader for the respondents and perused the records.

2. The petitioner, by the present writ petition, assails the action of the respondent in issuing proceedings dated 03.02.2021, whereby the application submitted by the petitioner requesting for appointment on compassionate grounds to a suitable post with the 2nd respondent was rejected as having been submitted beyond three years from the date of death of the Government employee i.e., petitioner's father, as being illegal and arbitrary.

3. The case of the petitioner, in brief, is that his father while working as a Village Assistant with the 2nd respondent had died in harness on 11.12.2007; that



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at the time of his death, the father was in regular service; and that the family consisted of his father, mother, two sisters, and himself. It is the further case of the petitioner that his father, during his lifetime, had contracted a second marriage, and through the second wife, had one son and a daughter, who are the half-siblings of the petitioner.

4. The petitioner contends that at the time of his father's death, he was a minor, and his mother, being illiterate, did not submit any application seeking compassionate appointment, even though one of his sisters was 19 years of age.

5. The petitioner further contends that upon the death of his father, his half-brother one Mr.Satish, had approached the respondent authorities seeking appointment on compassionate grounds by submitting representation dated 31.12.2007; that the aforesaid request was rejected by the respondent authorities on the ground that, being a son through the second wife, he was ineligible for such an appointment; and that the petitioner, who was a minor at the relevant time, upon attaining the age of majority, approached the respondent authorities and submitted a representation dated 13.03.2019 seeking appointment on compassionate grounds,



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which was followed by another representation dated 24.10.2019.

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6. It is further contended by the petitioner that, as the aforesaid representation for appointment on compassionate grounds did not yield any response, he had approached this Court by filing W.P. No. 1692 of 2020; that this Court by order dated 27.01.2020, directed the first respondent to consider the said representation within a period of 8 weeks from the date of receipt of a copy of the order; and that the petitioner was also permitted to submit application in an appropriate format. The petitioner contends that the 1st respondent thereafter issued the impugned order rejecting the request of the petitioner on the ground that the application was not submitted within a period of three years from the date of the death of the Government employee i.e., his father.

7. The petitioner contends that the ground on which the respondents have rejected his claim is wholly unjustified, as his half-brother had submitted an application for compassionate appointment within 20 days from the date of his father's death; that the said application was rejected by the respondents on the



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ground that he was ineligible for appointment, being the son of the second wife; and that the respondents cannot now be allowed to take the plea of petitioner having submitted application beyond three years of his father's death to deny, petitioner being provided with appointment on compassionate grounds.

8. Counter affidavit on behalf of the respondents is filed.

9. The respondents, by the counter affidavit, contended that the petitioner cannot take advantage of the application submitted by his half-brother, to claim that an application was submitted within three years from the date of the death of his father. The respondent, by the counter affidavit, further contended that since, the petitioner submitted his application twelve years after the death of his father, the 1st respondent rightly rejected the same, as the Rules contemplate for submitting an application for appointment on compassionate grounds within a period of three years from the date of death of the deceased employee.

10. The respondent, by the counter affidavit, further contended that the



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provision of compassionate appointment is to be decided on the basis of the scheme prevalent on the date of the demise of the employee; that such a provision is intended to enable the family to tide over the immediate crisis which may result from the death of the employee; and that the petitioner, who was a minor at the relevant point of time, could not have waited till he attained the age of majority, to approach the respondent authorities seeking appointment even though the other family members were eligible for appointment on compassionate ground. Contending as above, the respondents seek dismissal of the writ petition.

11. I have taken note of the respective submissions made.

12. Admittedly, the petitioner had submitted application for appointment on compassionate grounds for the first time only on 13.03.2019, which was followed up with another request on 24.10.2019, even though his father had deceased on 11.12.2007, while in service. It is also an admitted fact that no application for appointment on compassionate grounds had been submitted by the mother or the sisters of the petitioner, even though the elder sister of the petitioner



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was a major at the relevant point of time.

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13. Though the petitioner claims his half-brother had submitted an application on 31.12.2007 seeking appointment on compassionate grounds, and the said request was rejected by the respondent on 07.11.2015, it is to be noted that on the said request being rejected, the half-brother did not assail the action of the respondent authorities in rejecting the claim. Since, the half-brother had submitted the application seeking appointment for himself, the petitioner cannot rely on the said application to claim that the said application having been made on behalf of his family, in time (i.e., within three years), for being provided with compassionate appointment. The fact remains that the petitioner having submitted his application only on 13.03.2019, well beyond the three-year period prescribed in the rules, despite the fact that one of the family members was a major at the relevant time, the petitioner cannot contend that the impugned order passed by the respondent is illegal or arbitrary. The purpose of compassionate appointment, as held by the Apex Court in the case of *Union of India and others V. Amrita Sinha (2021) 20 SCC 695*, is to 'enable the family to tide over an immediate crisis which may result



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from the death of the employee.

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14. Furthermore, it is settled position of law that a claim for appointment on compassionate grounds must be decided on the basis of the relevant scheme prevalent at the time. Since, the Government scheme provides for an application to be made within three years from the date of the employee's death, and admittedly, neither the petitioner nor his family members (his mother and two sisters) having made any such application within the prescribed time, this Court is of the view that the application submitted by the petitioner after a lapse of 12 years cannot be considered as having been filed in time. Moreover, the application submitted by his half-brother cannot be treated as having been submitted on behalf of the petitioner or the other family members. Had the petitioner and his family intended to adopt the half-brother's application (submitted within 20 days of the death) as a collective request on behalf of the entire family, then they ought to have challenged the rejection of that application by the respondents at the relevant point of time.

15. On the other hand, it appears that the petitioner and his family had opposed the appointment of his half-brother on compassionate ground, on the basis



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that the half-brother was not recognised as a legal heir of the deceased employee.

That being so, the petitioner cannot now turn around and claim that the application submitted by his half-brother being in time as per the scheme and thus, is entitled to be provided with appointment or employment.

16. In view of the above, the writ petition is devoid of merit and thus, stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHA

1.The District Collector

O/o. The District Collector, villupuram District, Villupuram.

2.The Tahsildar,

Tindivanam Taluk Office, Tindivanam, Villupruram District.

T. VINOD KUMAR J.



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SHA

Pre-Delivery Order in
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