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WP No. 10399 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 10399 of 2026

P.Mosha
S/o. Peraiah (Late),
No: 21, Pensioners, 2nd Lane,
Old Vannarapettai, Chennai – 600 021.

..Petitioner(s)

Vs

1. The Secretary,
Labour and Welfare Department,
Tamil Nadu State Government,
St.George Fort, Chennai – 600 009.
2. The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.
3. The Deputy Commissioner (North)
Deputy Commissioner Office,
Chennai – 600 021.
4. The Assistant Commissioner
Zone-1, Chennai Corporation, Thiruvottriyur
Chennai – 600 019.
5. The Principal Secretary, Municipal
Administration and Water Supply Department,
Secretariat, Fort St George, Chennai – 600 009
(R5 suo motu impleaded by the order of this
Court dated 17.03.2026 by PTAJ)

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order/ Rejection letter bearing No.Ma.A1.Na.Ka.No. C1/ 1292/ 2018 dated 12.02.2026 issued by the 4th respondent and quash the same and consequently direct the respondents to provide compassionate appointment to the petitioner.



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For Petitioner(s):
For Respondent(s):

Ms.K.Bharathi
Mr.P.Balathandayutham,
Special Government Pleader for R1
Mr.Dinesh Kumar,
Standing Counsel for RR2 to 6

ORDER

Challenging the rejection of request for compassionate appointment and consequently directing the respondents to provide compassionate appointment to him, the petitioner is before this Court.

2.The petitioner's father, who was working as a sweeper in the respondent Department had passed away on 09.07.2014 while in harness. He joined the service of the respondent Department on 14.01.2009. The petitioner would state that he is survived by the petitioner, his two brothers viz., Mr.P.Chinna and Mr.P.Gidhonu and sister Miss P.Baby. The petitioner's brother P.Chinna and sister P.Baby are mentally challenged. The other brother is married and living separately. The petitioner would submit that the entire family was dependent on the income of his father and on his death, they had been to severe financial hardship and had to vacate their tenanted premises as they were unable to pay the house rent and at present they are living in their uncle's house. The petitioner is the only earning member in the family and is working as a daily wage labourer doing loading and unloading work. He had not married as he has to take care of his siblings and also his aged mother. To meet the medical expenses of his brother and sister itself, the petitioner is put to great deal of



hardship. In the light of these factors, he was not able to give her representation for compassionate appointment in time and the same was made on 08.03.2018.

Therefore, there was a delay of 7 months in submitting the application. The application has now been rejected on the ground that it is belated.

3. Heard the learned counsel on either side and perused the materials available on record.

4. It is represented that the Principal Secretary, Municipal Administration and Water Supply Department is the competent person to consider the representation of the petitioner.

5. Therefore, “*The Principal Secretary, Municipal Administration and Water Supply Department, Secretariat, Fort St George, Chennai – 600 009*” is *suo motu* impleaded as a party respondent.

6. The perusal of Rule 5 of Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules 2023, no doubt stipulates that applications for compassionate appointment has to be made within 3 years from the date of death of the employee. However, Rule 17 therein gives an employer the power to relax any of the provisions in these rules with respect to any person if the



application of the Rules cause any hardship to them, with a proviso that the educational qualification presumed for appointment to any post cannot be relaxed.

7. In the instant case, the delay is only 7 months and the petitioner has not only detailed their impecunious circumstances but, has also given reasons for the delay.

8. Considering the facts of this case, this Court is of the view that the provisions of Rule 17 ought to be applied in the instant case and accordingly, the timeline of 3 years for making a representation seeking compassionate appointment be relaxed. The newly impleaded 5th respondent is directed to consider the representation of the petitioner seeking compassionate appointment and to pass appropriate orders, on merits and in accordance with law and exercising the power under Rule 17, within a period of two months (2) from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is allowed. No costs.

17-03-2026

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

TSG



To

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St. George Fort, Chennai – 600 009.

2. The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

3. The Deputy Commissioner (North)
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P.T.ASHA, J.

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