



WEB COPY

WP No. 10881 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

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

WP No. 10881 of 2026

Mr.K.Balaji
S/o.Late A.Kolanchiappan,
Residing at No.383/C-20/A1,
Jawaharlal Nehru Street, Periyar Nagar South,
Virudhachalam Post, Cuddalore District - 606001.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Fisheries Department,
Fort St.George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Fisheries Development Corporation Ltd.,
(TNFDC-A Government of Tamil Nadu Undertaking)
Integrated Office Complex for Animal Husbandry
and Fisheries Department
Chennai – 600 035.
3. The Assistant Director of Fisheries,
Department of Fisheries and Fishermen Welfare,
Cuddalore District, Cuddalore - 607 001.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to consider and dispose of the petitioner's representation dated 24.01.2026 seeking appointment on compassionate grounds under the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, within a time frame to be fixed by this Court.



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For Petitioner:

Mr.S.Yogalakshmi

For Respondents:

Mr.T.Chandrasekaran

Special Government Pleader for R1 to R3

ORDER

The writ petition has been filed seeking a direction to the second respondent to consider and dispose of the petitioner's representation dated 24.01.2026, seeking appointment on compassionate grounds under the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, within a time frame fixed by this Court.

2. The petitioner is the son of late A.Kolanchiappan, who was employed as Deputy Manager in the Tamil Nadu Fisheries Development Corporation Ltd., a Government of Tamil Nadu Undertaking. The petitioner's father died in harness on 08.01.2003 at the age of 42 years leaving behind his wife, his daughter his father and his son, the petitioner. The petitioner was only 11 years old at the time of his father's death and the family was left in severe financial distress without any income. His mother was illiterate and was unaware of the Government service rules and the scheme for compassionate appointment.

3. With great difficulties, the petitioner had completed his B.E., degree in Electrical and Electronics Engineering from Anna University in November 2013. He thereafter submitted his application to the Tamil Nadu Fisheries



Development Corporation Ltd., on 02.04.2015, seeking appointment on compassionate ground. His application was rejected solely on the ground of delay, on 26.05.2015. Thereafter, he preferred an appeal on 01.12.2020 explaining the reasons for the delay. The same was also rejected by order dated 04.01.2021. The petitioner thereafter submitted his representation to the District Collector, who vide his proceedings dated 12.12.2025, directed the petitioner to approach the Competent Authority under the Fisheries Department. Pursuant to the directions, he submitted a fresh representation dated 24.01.2026 to the second respondent but the same has not been considered to date. Hence, the petitioner is before this Court.

4. Heard the learned counsel on either side and also perused the materials placed on record.

5. The petitioner had approached the authorities for compassionate appointment, 12 years after the demise of his father. Admittedly, her father had worked as Deputy Manager in the Fisheries Department and had expired on 08.01.2003. The petitioner would state that he had completed his B.E., degree from Anna University in the year November 2013 and it is only on 02.04.2015, he had made his first application seeking appointment, which is nearly 12 years after his father's death. The 2nd



respondent had rejected the petitioner's request by letter dated 26.05.2015, stating that the application seeking appointment on compassionate ground, has to be made by the legal heirs of the deceased employee within 3 years from the date of his/her death, whereas the petitioner's application was received after 12 years. Following this, several representations and replies were exchanged in the year 2015, all denying the petitioner's request on the ground of delay. Thereafter, the petitioner had approached the authorities on 01.12.2020 with his appeal. This also ended in failure. This rejection order was not challenged by the petitioners. On the contrary, the petitioner had addressed his representation to the District Collector, Cuddalore on 12.12.2025 and pursuant to his directions, he had submitted a fresh representation to the second respondent on 24.01.2026.

6. The learned counsel appearing for the petitioner would take refuge under G.O.(Ms) No18, Labour and Employment Department, dated 23.01.2020 and G.O.(Ms) No.33 Labour Welfare and Skill b Development (Q1) Department, dated 08.03.2023, wherein the Government is empowered with power to relax any of the Rules. This argument cannot be countenanced for the simple reason that the petitioner is now seeking relaxation for over 12 years. Further, compassionate appointment is not a matter of right. The application for



compassionate appointment should be made immediately, usually within 3 years, following the government employee's death or medical incapacitation, so as to provide financial relief to the bereaved family. In case the application seeking compassionate appointment is not moved within the time frame, then a presumption could be drawn that the deceased family is not in immediate need of financial assistance and are not in indigent circumstances. Further the relaxation can be considered only if the petitioner qualifies for consideration. The fact that neither the petitioner nor his mother has sought for a compassionate appointment for nearly over 12 years after the death of his father, only implies that the petitioner and his family are not in indigent circumstances.

7. The Hon'ble Supreme Court in its judgment in ***Canara Bank Vs Ajithkumar G.K, reported in 2025 SCC OnLine SC 290***, relying on various judgments on the above subject, has considered that the Scheme of the Act 'Dying in Harness Scheme 1993' launched by the appellant therein (Canara Bank) and upon laying emphasis on the objectives of the Scheme 1993, has observed that “*overcoming the immediate financial difficulties on account of sudden stoppage of main source of income and the existence of the indigent circumstances necessitating employment to one of the dependents is the heart of the scheme for compassionate appointment.*” It has also held that the noble goal of compassionate appointment is for giving succour to the dependants of the



employees dying in harness, who are genuinely in need and not with the aim of giving them a post for another post.

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8. The factor which has to be taken note of in the instant case is that despite the petitioner having turned major in the year 2009, the first application that has been submitted by the petitioner before the authority was only on 02.04.2015. Therefore, this is yet another reason to presume that the family was not in indigent circumstances. That apart, the petitioner's earlier representations seeking compassionate appointment, which were rejected by the second respondent, have not been challenged by the petitioner and he has allowed those decisions to attain finality.

9. Therefore, viewed from any angle, I do not see that the petitioner's request for compassionate appointment does not have any legal basis and consequently, there is no necessity to issue a mandamus to the respondents to consider the petitioner's representation for compassionate appointment. Accordingly, the writ petition is dismissed.

23-03-2026

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



To:

1. The Principal Secretary to Government
State of Tamil Nadu
Fisheries Department,
Fort St.George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Fisheries Development Corporation Ltd.,
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