



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

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

WP No. 9998 of 2024

and

WMP NO. 11006 OF 2024

V.Kalaiarasi

..Petitioner(s)

Vs

1. The Managing Director,
Chennai Metropolitan Water Supply And
Sewerage Board, No. 1, Pumping Station Road,
Chindadaripet, Chennai -600 002.
2. The General Manager,
Chennai Metropolitan Water Supply And
Sewerage Board, 75, Santhome High Road,
M.R.C.Nagar, Raja Annamalaipuram, Chennai
-600 028.
3. The Principal Secretary,
Municipal Administration And Water Supply
Department, Government Of Tamil Nadu,
St.George Fort, Chennai -600 009.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the Records connected with the Impugned Order Letter No. Seguna/pamani/Min4/8140/2023 dated 10.03.2023 of the 2nd respondent and Letter No. Seguna/Pamani/Min4/29584/2023 dated 21.08.2023 of the 1st respondent herein and quash the same and further to direct the 1st respondent to



pass order appointing her as Junior Assistant or any other suitable post as per her qualification on compassionate grounds based on the applications dated 28.04.2016 of late V.Sivakami, W/o. deceased employee and application dated 27.02.2023 of the petitioner in accordance with law within the time frame as may be fixed by this Court.

For Petitioner(s): Mr.S.Sivakumar
for M/s.Law Square

For Respondent(s): Mr. Krishna Ravindran
Standing Counsel for R1 and R2

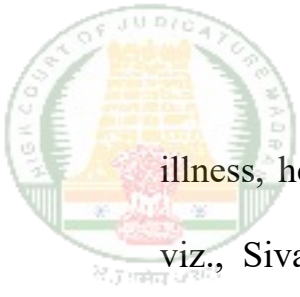
Mr.C.Selvaraj,
Additional Government Pleader-R3

ORDER

Seeking to quash the orders passed by the 2nd respondent dated 10.03.2023 and the 1st respondent dated 21.08.2023 and consequently to appoint the petitioner as a Junior Assistant on compassionate grounds, the petitioner is before this Court.

2. The brief facts which is required for the disposal of this writ petition are as follows:

(i) The petitioner's deceased father, R.Veeramani was appointed as a Field Worker by the 1st respondent-Board and had joined duty on 05.08.1987. He had worked continuously without any interruption in service. Due to sudden



illness, he passed away on 07.01.2013 leaving behind him surviving his wife, viz., Sivakami, two daughters, viz., Ilavarasi and Kalairasi and his mother, Vedavalli.

(ii) Thereafter, the petitioner's mother had submitted an application seeking family pension and other terminal benefits and also for compassionate appointment. The terminal benefits were sanctioned to the petitioner's mother vide Family Pension Payment Order dated 02.08.2013. The representation seeking compassionate appointment was included in the register of waiting list for appointment and the same was assigned Serial No.1132 by the 2nd respondent.

(iii) On 02.03.2016, the 2nd respondent had addressed a letter to the petitioner's mother asking her to attend his Office with reference to the application for compassionate appointment. The petitioner's mother had attended the said enquiry and had submitted all the required records. This fact was acknowledged by the 2nd respondent in his letter dated 19.06.2023.

(iv) Thereafter on 28.04.2016, the petitioner had submitted a representation in continuation of her mother's representation dated 14.08.2013 and her elder sister Ilavarasi's representation dated 07.06.2016, requesting appointment on compassionate grounds. She had attached all the relevant



documents along with her request. However, the 2nd respondent rejected the representation by letter dated 23.03.2017 stating that there was no government order available for changing the name of the legal heir once any one of the legal heirs had already applied for appointment on compassionate grounds.

(v) Meanwhile, the petitioner's mother, Sivakami passed away on 19.08.2019 followed by her elder sister on 20.06.2017 on account of illness. The petitioner renewed her representation on 17.10.2019 for compassionate appointment. This was once again rejected on 31.10.2019 stating that as per the Clarification Letter dated 03.10.2013 issued by the Government of Tamil Nadu there was no provision to appoint an alternate legal heir of the deceased employee on compassionate grounds.

(vi) It is the case of the petitioner that she has submitted several representations thereafter. She would submit that as per G.O.Ms.No.18, Labour and Employment(Q1) dated 23.01.2020 and G.O.Ms.No.33, Labour Welfare and Skill Development Department, dated 08.03.2023 the Government has the authority to relax certain provisions for appointment on compassionate grounds. According to the petitioner, the respondents have not exercised the power granted to them under the Government Order and have simply rejected her request. Therefore, the petitioner is before this Court.



3. The 2nd respondent has filed a counter affidavit on behalf of himself and respondents 1 and 2 wherein he would submit that on 11.03.2016, the petitioner's mother had appeared for certificate verification pursuant to her application seeking compassionate appointment dated 14.08.2013. Thereafter, she had submitted an application on 28.04.2016 requesting that the compassionate appointment be given to her daughter Kalaiarasi. Meanwhile, the other daughter Ilavarasi had also applied for compassionate appointment on 07.06.2016. The request of the said Sivagami dated 28.04.2016 was rejected by order dated 23.03.2017 and the same has not been challenged by the petitioner. The respondents would submit that the appointment on compassionate grounds is a scheme extended to a dependent of a government servant who died in harness in indigent circumstances. This scheme is extended by relaxing the general procedure of recruitment. The issue relating to appointment of alternate legal heirs on compassionate grounds matter had been referred to the Government for issuing suitable directions. However, by letter 22.08.2011, the Government had clarified that there is no provision to consider the application of an alternate legal heir. The respondents would also submit that the request has been made by the petitioner after a considerable lapse of time. Therefore, they sought to have the writ petition dismissed.



4. When the matter had come up today, a report was submitted by the 2nd respondent wherein in paragraph No.7, it has been stated as follows:

“7. Tmt. Kalaiarasi again applied for compassionate ground appointment for herself vide her applications dated 17.10.2019, 30.12.2021, 27.02.2023, 18.05.2023, 25.07.2023 and 02.09.2023. Her further applications were rejected vide this office.

(i)Lr.No.CMWSSB/P&A/RA4/33117/2013,dated31.10.2019,

(ii)Lr.No.CMWSSB/P&A/RA4/9972/2022,dated 02.05.2022,

(iii)Lr.No.CMWSSB/P&A/RA4/8140/2023,dated10.03.2023,

(iv)Lr.No.CMWSSB/P&A/RA4/19567/2023,dated19.06.2023,

(v)Lr.No.CMWSSB/P&A/RA4/29584/2023, dated 21.08.2023

and

(vi) Lr.No.CMWSSB/P&A/RA4/34045/2023, dated 11.09.2023.”

5. Heard the learned counsels on either side and perused the materials available on record.



6. The petitioner's father had passed away on 07.01.2013 and an application for compassionate appointment was made by his wife on 14.08.2013. The said application was assigned Serial No.1132 by the 2nd respondent. It is also seen that the said Sivagami was called for enquiry before the 2nd respondent on 11.03.2016. She had appeared before the 2nd respondent for certificate verification on the said date. However, within two months i.e on 28.04.2016 she sought for compassionate appointment in favour of the petitioner. Thereafter, it appears that the other daughter Ilavarasi had submitted an application for appointment on compassionate appointment on 07.06.2016. Therefore, it is clear that the said Ilavarasi had not consented to the petitioner's being appointed on compassionate grounds. Further, the application given by Sivagami on 28.04.2016 was rejected by order dated 23.03.2017. This rejection was not challenged and the same has attained finality. It is also seen that subsequent representations made by the petitioner had been rejected on 10.03.2023 by the 2nd respondent and on 21.08.2023 by the 1st respondent. It is only against the said orders that the present writ petition has been filed.

7. Compassionate appointment is a special kind of recruitment and an exception to the Rules relating to recruitment in public employment extended to dependents of Government servants who have died in harness in order to enable them to tied over the financial crisis and indigent circumstances into which the



family is thrown on account of the death of the breadwinner. Such appointment is not a matter of right. Further, the compassionate appointment can be granted only when the family of the deceased employee is in indigent circumstances. In the judgment in the case of *Canara Bank vs Ajithkumar G.K* reported in (2025 SCC Online SC 290) had observed that it's only in a "hand-to-mouth" sustenance that compassionate appointment should be considered and parted. The petitioners by not challenging the earlier order, rejecting their application has given rise to a presumption that they are not living in a state of penury or that they are in indigent circumstances. In the case on hand, the request for compassionate appointment has been rejected as early as in the year 2016 which has not been challenged by the petitioner. Therefore, the said order has attained finality. The petitioner has thereafter addressed several representations, all of which have been turned down. Therefore, this Court finds no reason to interfere with the impugned orders and accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24-03-2026

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

SRN

To



1. The Managing Director,
Chennai Metropolitan Water Supply And Sewerage Board, No. 1, Pumping
Station Road, Chindadaripet, Chennai -600 002.
2. The General Manager,
Chennai Metropolitan Water Supply And Sewerage Board, 75, Santhome
High Road, M.R.C.Nagar, Raja Annamalaipuram, Chennai -600 028.
3. The Principal Secretary,
Municipal Administration And Water Supply Department, Government Of
Tamil Nadu, St.George Fort, Chennai -600 009.



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WP No. 9998 of 2



P.T.ASHA J.

SRN

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