



WEB COPY

WP No. 19766 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

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

WP No. 19766 of 2026

AND

WMP NO. 21067 OF 2026

A.Madargani

..petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Revenue and Disaster management Department,
service (service (1) section)), Secretariat,
Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 600005.
3. The Additional Commissioner,
Revenue Administration, Ezhilagam,
Chennai - 600 005.
4. The Collector,
Kancheepuram District,
Kancheepuram.
5. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram.

..respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India seeking writ of certiorarified mandamus to call for the records of the 1st respondent in his proceedings in Government Letter No.46456/Service-9(1)/2021-2 dated 15.06.2023 quash the same and consequently direct the 4th respondent to appoint the petitioner for the post of



Village Administrative Officer or in any other post as per the qualification of the petitioner on compassionate ground.

WEB COPY

For petitioner(s): Mr.K.M.Balaji

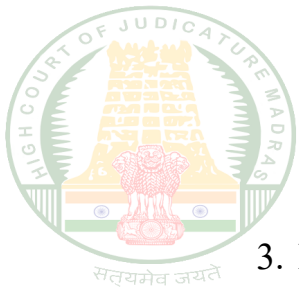
For respondent(s): Mr. A.R.Balaji
Government Advocate
R1 to R5

Order

This writ petition is filed for the following relief:

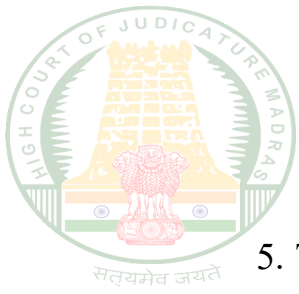
“To call for the records of the 1st respondent in his proceedings in Government Letter No.46456/Service-9(1)/2021-2 dated 15.06.2023 quash the same and consequently direct the 4th respondent to appoint the petitioner for the post of Village Administrative Officer or in any other post as per the qualification of the petitioner on compassionate ground.”

2. The petitioner's father M.Ahmed Basha was working as a Village Administrative Officer at Sriperumbudur and died on 24.07.1984 while he was in service. The petitioner was a minor aged 10 years at the time of the death of his father in the year 1984. After completing Higher Secondary Examination, the petitioner made a representation to the 4th respondent, seeking appointment on compassionate grounds in the year 1996.



3. By communication dated 09.01.2001, the 4th respondent rejected the petitioner's request on the ground that the petitioner did not make the application within 3 years from the date of death of his father. The petitioner subsequently made another representation on 09.07.2001 during the public grievance day to the 4th respondent. In the said request the petitioner contended that at the time of death of the petitioner's father, he was a minor aged 10 years and hence he could not make application within 3 years.

4. The 5th respondent had sent a communication dated 14.08.2001 calling upon the petitioner to appear before him on 23.08.2001 along with all the necessary original certificates. The petitioner appeared before the 5th respondent on 23.08.2001 and submitted all the original certificates to the 5th respondent. The petitioner thereafter, constantly approached the office of the 4th respondent to consider his request for appointment on compassionate grounds but it was informed by the office of the 4th respondent that the request made the petitioner could not be considered at that time. Therefore, the petitioner waited for lifting the ban in respect of recruiting persons in service in all the Government Department. The policy decision taken by the Government not to recruit any person in the State was lifted in the year 2006.



5. Thereafter, the petitioner made a representation on 04.02.2008 and the 4th respondent vide memo dated 22.02.2008 reiterated the contentions made on 09.01.2001 and enclosed the copy of the letter dated 09.01.2001 and rejected the application. The petitioner made an application on 10.03.2008 under the Right to Information Act to furnish the reason for the rejection of the application by the 4th respondent.

6. For the said application, the 4th respondent's Public Relations Officer (Personal Assistant, General) made a detailed reply by narrating the very same reasons stated in the earlier communication and rejected the application. The petitioner made a representation on 21.05.2008 to the 2nd respondent as was not satisfied by the order of the 4th respondent. The main contention the petitioner put forth is that the G.O. relied upon by the 4th respondent in G.O.Ms.No. 120, Labour and Employment dated 26.06.1995, which makes obligatory on the part of the legal heirs of the deceased employee to make application within three years from the date of death of the deceased employee is not applicable to his case as his father died in the year 1984, much before the said GO coming into force.

7. The 3rd respondent by taking into consideration the said G.O. and the clarification dated 11.10.1995 in LR No. 39924/01/95-1 Labour and



Employment recommended the petitioner for appointment on 18.04.2009 to the 1st respondent. Thereafter, the petitioner received a communication dated 16.07.2009, sent by the 3rd respondent who directed the petitioner to appear before the 4th respondent. The 5th respondent directed the petitioner to produce the conduct certificate, no objection certificate from the other legal heirs and other particulars by letter dated 27.10.2009. The petitioner submitted all the required particulars. Thereafter, the petitioner was called upon by the Police Official attached to the Secretariat Complex for an enquiry in the month of July 2010 and they enquired the petitioner about whether the petitioner had approached any official in the Secretariat for his appointment.

8. The petitioner thereafter filed WP. No. 22598 of 2010 for a writ of mandamus directing the 4th respondent to appoint him for the post of Village Administrative Officer or to any other post for which he is qualified. The said writ petition was disposed by this Court on 04.10.2010 with a direction to the 4th respondent to consider the representation made by the petitioner dated 10.03.2008 and pass orders on merits and in accordance with law within a period of 8 weeks.

9. The 4th respondent by his order dated 12.05.2011 rejected the petitioner's application on the ground that the application was not made within 3 years from the date of death of the petitioner's father. The petitioner submits



that thereafter his wife made a representation on 22.12.2021 to the 1st respondent for the petitioner's appointment on compassionate grounds and the same was rejected by the 1st respondent which is impugned in the present Writ Petition

10. Heard the learned counsels and perused the records.

11. The records would show that the Government servant had died on 24.07.1984, leaving behind him surviving the petitioner, his two brothers and two sisters. The petitioner's mother predeceased his father. The petitioner would claim that he was a minor on the date of his father's death and that on attaining the age of majority he had made an application for appointment on compassionate grounds in the year 1996. It is seen that the petitioner's request was rejected by communication dated 09.01.2001. The same has not been challenged.

12. However, the petitioner's wife has proceeded to make another representation which is now been rejected by the impugned order on the ground that the application was not made within a period of 3 years. The petitioner had earlier filed WP.No.22598 of 2010 seeking appointment as VAO. This Court had passed orders on 04.10.2010, directing the 4th respondent to consider and pass orders on the representation and by order dated 12.05.2011, once again the



application was rejected.

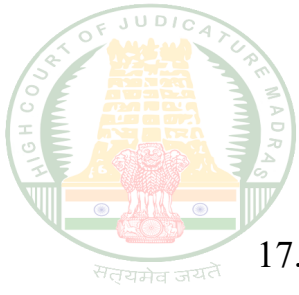
WEB COPY

13. The petitioner has not challenged this order and on the contrary it is seen that the petitioner's wife has made a representation seeking compassionate appointment for her husband, the petitioner herein. The very application made by a third party itself is erroneous. This representation has been rejected by the impugned order.

14. The above narration would clearly demonstrate that the petitioner has not challenged the two earlier orders of rejection but has continued to make representations. The petitioner has nowhere shown that he was in indigent circumstance.

15. That apart, the compassionate appointment is not a matter of right. It is an appointment given to tide over the financial crisis into which a family is thrown, on account of the death of the sole bread winner. The petitioner not having challenged the earlier orders of rejection cannot sustain the instant writ petitioner. Further, the indigent circumstance has also not been pleaded.

16. In the result, this writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

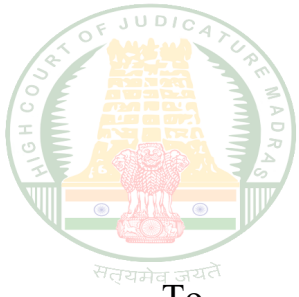


17. While dismissing the writ petition, the learned counsel for the petitioner had made a representation that the original documents are with the respondents. This statement appears to be incorrect in the light of the subsequent documents.

09-06-2026

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

KAN



To
WEB COPY

1. The Additional Chief Secretary to Government,
Revenue and Disaster management Department, service (service (1)
section)), Secretariat, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 600005.
3. The Additional Commissioner,
Revenue Administration, Ezhilagam,
Chennai - 600 005.
4. The Collector,
Kancheepuram District,
Kancheepuram.
5. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram.



WEB COPY

WP No. 19766 of 2



P.T.ASHA J.

KAN

**WP No. 19766 of 2026
AND
WMP NO. 21067 OF 2026**

09-06-2026