



W.P.No.21878 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.04.2026

Pronounced on : 10.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.21878 of 2019

K.Chitra

... Petitioner

vs

1. Government of Tamil Nadu
Represented by its Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner/Director,
Directorate of Municipal Administration,
Chepauk, Chennai – 600 006.
3. The District Collector,
District Collector Office,
Coimbatore District.
4. The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order Na.Ka.No.05/2019/C4 dated 22.01.2019 issued by fourth respondent and quash the same consequently directing the respondents to give appointment to the petitioner on compassionate grounds and pass orders.

For Petitioner : Mr.P.Ganesan
For Respondents : Mr.V.Veluchamy
Additional Government Pleader for R1 & R2
: Mrs.P.Rajarajeswari
Government Advocate for R3
: Mr.B.Anand for R4

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents, the learned Government Advocate for the third respondent and the learned counsel for the fourth respondent and perused the records.

2. Briefly put the case of the petitioner is that her husband was working as sweeper with the fourth respondent; that he had deceased while in service on 11.07.2011; that she and her two minor children are the legal heirs of her deceased husband; that she being the wife of the deceased employee is eligible for appointment on compassionate ground; that she had approached the fourth



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respondent and submitted representation on 21.01.2012; and that as the said

representation remained unconsidered, she had approached the third respondent/District Collector and submitted another representation, claiming that she did not receive any response from the fourth respondent with regard to her appointment on compassionate ground.



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3. The petitioner further contended that she had submitted application once again on 09.09.2016; that the fourth respondent in response to application submitted by her under the public grievance redressal petition bearing No.101 of 2019, by the impugned proceedings dated 22.01.2019 claimed that her request for compassionate appointment was not considered as having been filed after five years after the death of her husband; and that there is no provision for providing a post on compassionate ground. It is contended that the action of respondent rejecting her application for compassionate appointment is highly illegal, arbitrary and against the policy of the State.

4. Counter affidavit on behalf of the fourth respondent is filed.

5. The fourth respondent by the counter affidavit contended that the petitioner had submitted application for the first time on 09.09.2016 enclosing therewith of the death certificate of her husband dated 11.07.2011 and did not enclose any other documents.



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6. The fourth respondent by the counter affidavit further contended that as per the Government Order, an application for compassionate appointment must be made within three years from the date of death of the employee; that the petitioner submitted application after a lapse of 5 years 2 months from the date of death of the employee; that as per G.O.Ms.No.120 dated 26.06.1995, it is the responsibility of the applicant to submit a request for appointment on compassionate ground within the time frame i.e., 3 years; and that as the petitioner did not submit application in time, her request was not considered.

7. Contending as above, the respondents seek for dismissal of the writ petition.

8. I have taken note of the respective contentions as urged.

9. Though on behalf of the petitioner, it was contended that the petitioner having approached the fourth respondent and submitting a representation seeking appointment on compassionate ground immediately after the death of her husband,



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no material is placed before this Court in support of the aforesaid contention.

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10. Further, in ground No.B, though it had been stated of the petitioner having submitted an application to the fourth respondent on 21.01.2012, the copy of the said representation filed into this Court shows the same is addressed to the District Collector and not to the fourth respondent. Apart from the said fact, the same also does not bear any acknowledgment of receipt by the concerned authority to whom the said letter is addressed. Thus, the claim of the petitioner of she having submitted application for compassionate ground immediately after the death of her husband, more particularly, within three year period as stipulated in G.O.Ms.No.120 cannot be accepted.

11. As the petitioner failed to submit the application within three years from the date of death of her husband and having approached the fourth respondent by submitting her application for the first time only on 09.09.2016, the said application cannot be considered as within the time specified under G.O.Ms.No.120 for the respondents to act thereon.



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12. Though on behalf of the petitioner, it is contended that as she had studied only 6th standard and thus, not being aware of the procedural requirements and that compassionate appointment being a beneficial measure ought to be construed liberally, it is to be noted that the Hon'ble Apex Court had held that the provision of compassionate appointment to be "not a matter of right but is to enable the family to tide over immediate crisis which may result from the death of the employee". Thus, the application for compassionate appointment is required to be made within a period of three years as prescribed under G.O.Ms.No.120 being the time frame prescribed by the Government to consider the said application, and the time period prescribed cannot be enlarged by this Court being the policy decision of the State. **(See: Union of India Vs. Amrita Sinha (2021) 20 SCC 695)**

13. It is trite law that the claim for compassionate appointment is to be decided on the basis of the relevant scheme and since, the scheme of the State prescribes a time limit of three years for submitting an application by a family member of the deceased employee, this Court is of the view that the petitioner's application dated 09.09.2016 was beyond the prescribed time period. Therefore, challenge to the impugned proceeding has to fail.



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14. Further, it is also to be noted that though the petitioner had claimed herself and her two minor children to be the legal heirs of the deceased husband, the fact of legal heir certificate issued by the Tahsildar pursuant to the judgment and decree of the competent Court of civil jurisdiction shows that the petitioner's deceased husband had another child who is aged about 18 years old and is also entitled to claim for being appointed on compassionate ground. Thus, the claim of the petitioner of she being the only eligible family member of the deceased employee of the fourth respondent also cannot be accepted as correct claim.

15. Further, a perusal of the impugned proceeding shows that the said proceeding has been issued in response to the public grievance redressal petition submitted by the petitioner in the year 2019, wherein it has been stated that the application submitted by the petitioner for appointment on compassionate ground on 09.09.2016 having been rejected *vide* letter dated 16.09.2016. If the claim of the petitioner has been rejected by the respondent *vide* proceedings dated 16.09.2016, the petitioner ought to have challenged the said proceedings, if aggrieved by the same.



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16. Admittedly, there is no challenge to the said proceedings. Further,

the petitioner did not claim that she is non in receipt of the said proceedings.

Since, the respondents claim to have rejected the application of the petitioner on 16.09.2016, merely by submitting a fresh application in the form of public grievance redressal petition and on the respondents issuing proceedings informing the petitioner of the earlier proceedings, would not give rise to cause of action for the petitioner to approach this Court after a period of three years from the initial rejection.

17. Thus, considered from any angle, the present writ petition as filed is devoid of merits and is accordingly, dismissed. No order as to costs.

10.04.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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Pre-delivery order made in
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