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W.A.Nos.3841 & 3842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

W.A.Nos.3841 & 3842 of 2025

M.Arunkumar ... Appellant in W.A.No.3841 of 2025
R.Tamilvanan ... Appellant in W.A.No.3842 of 2025

-Vs-

1. The Director,
Directorate of Public Health and Preventive Medicine,
Teyanmpet,
Chennai – 600 006.

2. The Joint Director (Administration),
Directorate of Public Health and Preventive Medicine,
Teyanmpet,
Chennai – 600 006.

3. The Deputy Director of Health Services,
Saidapet,
Chennai – 600 015.

... Respondents
in both W.As

COMMON PRAYER : Appeals under Clause XV of Letters Patent against the orders dated 03.10.2024 made in W.P.Nos.29080 & 29078 of 2024.



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For Appellants : Mr.J.Kripakaran
in both W.As

For Respondents : Mr.M.Bindran
in both W.As Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

Since these two appeals arise out of the orders passed by the writ Court dated 03.10.2024 made in W.P.Nos.29080 & 29078 of 2024 relate to the common issue with regard to the compassionate appointment made in favour of the appellants. Though separate orders have been passed, since the issue is one and the same, we are inclined to dispose of both the writ appeals by this common order

2. Both the appellants were the respective writ petitioners in the writ petitions. The appellant father in W.A.No.3841 of 2025 was employed as a Night Watchman in the respondent Department and he died in harness on 02.09.2003 while he was working in Government Primary Health Centre, Sadras, Thirukazhukundram Block. Hence, the appellant has made an application seeking for compassionate appointment. That was considered based on the vacancy that was available, even overlooking the seniority, i.e., number



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of persons waiting in queue to get the appointment on compassionate ground, based on the judgment of the Division Bench dated 13.02.2012 and he was appointed as Hospital Worker in Nandhivaram Primary Health Centre with effect from 25.11.2011.

3. Having accepted the said appointment, the appellant was continuously working, but after sometime, i.e., after several years, he had made an attempt to state that, based on the educational qualification which the appellant was having, he should have been considered for appointment to the post of the Junior Assistant under the compassionate appointment instead of Hospital Worker, therefore, from the date of initial appointment, i.e., 25.11.2011, he should be considered for appointment to the post of Junior Assistant, accordingly he had made a representation which was rejected through the order dated 07.01.2022. The said order has been challenged in the writ petition, i.e., W.P.No.29080 of 2024.

4. Insofar as W.P.No.29078 of 2024 against which W.A.No.3842 of 2025 was filed, in this case also, the appellant / petitioner's father was employed as Health Inspector Grade-I in Government Primary Health Centre, Nerumbur, Thirukazhukundram, he died in harness on 05.01.2002, hence the appellant / petitioner submitted an application for compassionate appointment and the same



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was considered, through proceedings dated 18.11.2011, he was appointed as Mazdoor in the Primary Health Centre, Kelambakkam with effect from 01.12.2011. Here also, the similar facts where his request also has been turned down on 07.01.2022 seeking for compassionate appointment to the post of Junior Assistant with effect from the initial date of appointment on compassionate ground. That is how both the writ petitions were heard and disposed of separately by the writ Court by order dated 03.10.2024 which are impugned herein.

5. The learned Judge has extracted in fact the major portion of the order which was impugned before the writ Court dated 07.01.2022 where the respondent employer having considered the request made by the respective petitioners have given the reasons that on the basis of the order passed by the Writ Appellate Court dated 13.02.2012 made in W.A.No.165 of 2012, the case of the petitioners were considered and they were given the compassionate appointment as Hospital Worker and Mazdoor in the same Department which were accepted by the respective writ appellants / petitioners and they had been working in that capacity for several years.

6. All of a sudden, they made a request to consider them for appointment from the initial date as Junior Assistant.



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7. The reasons stated by the respondents for rejecting such plea was that the Junior Assistant Post is a promotional category post for which the appellants / petitioners would become eligible on the basis of the seniority, at that time, certainly, the candidature of the petitioners would be considered for giving promotion to the post of Junior Assistant.

8. These reasons having been considered was accepted by the writ Court and both the writ petitions were rejected.

9. Heard Mr.A.Kripakaran, learned counsel appearing for the appellants and Mr.M.Bindran, learned Additional Government Pleader appearing for the respondents.

10. It is a settled proposition of law that, insofar as the compassionate appointment is concerned, in order to take care of the family who are in indigent circumstances, because of the sudden demise of the head of the family as the family would be in indigent circumstances, the compassionate appointment scheme is being envisaged and implemented by various employers including the Government. But not as a matter of right, such compassionate appointment can be sought for by the employment seeker that too on compassionate appointment



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that he or she should be given only the post commensurate to the educational qualification. The reason being that the compassionate appointment itself is in violation of the Recruitment Rules, when that being so, the main object of the compassionate appointment itself is only to give solatium to the family, who is in indigent circumstances because of the sudden demise of the Government servant. When that being the position, no employment seeker under the compassionate appointment can seek for such appointment only on the basis of the educational qualification without taking into account the availability of the vacancy. Moreover, Group-C & D post normally would be considered for the compassionate appointment, it is again not a matter of right that the particular post in Group-C alone should be given to the employment seeker instead of Group-D post on compassionate appointment as that right has never been accrued on the employment seeker under the compassionate ground. When that being the position, absolutely there has been no right accrued on the appellants / petitioners to seek such plea, therefore, the same has been rejected, of course, correctly by the respondent employer.

11. Moreover, at the time of offering the said appointment of Hospital Worker as well as Mazdoor, the appellants / petitioners have accepted the same and had been working in that capacity for several years, when that being so, these people cannot be permitted to turn around and seek for appointment to the



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post of Junior Assistant, which is a promotional category for which these people may become entitled once they reach the zone of consideration by way of seniority.

12. In that view of the matter, we do not find any reason to interfere with the orders passed by the writ Court in both the cases which are impugned herein, as a result of which, both these Writ Appeals fail and accordingly, they are dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (P.D.B., J.)
12.01.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji

To

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