



WA No. 855 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 03-06-2026**

**CORAM**

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**WA No. 855 of 2026 AND**

**CMP NO. 8936 OF 2026**

1. The Director General Of Police,  
Office of the Director General of Police,  
Mylapore,  
Chennai -600 004.
2. The District Superintendent Of Police,  
Kancheepuram District,  
Kancheepuram.
3. The Superintendent Of Police,  
Dindigul District.

..Appellant

Vs

K.Mahalakshmi,  
W/o.(Late) Kumar,  
No.53, Jeeyar Narayanapalayam  
Street, Kancheepuram.

..Respondent(s)

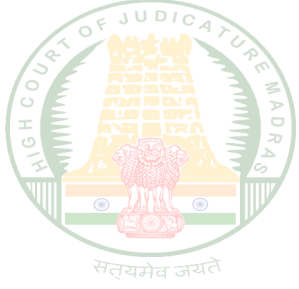
**Prayer :** Writ Appeal under Clause XV of the Letters Patent to set aside the order dt. 30.01.2024 made in W.P. No. 24310 of 2023.

For Appellant :

Dr.R.Gouri  
Government Counsel

For Respondent :

Mr.M.Padmanaban

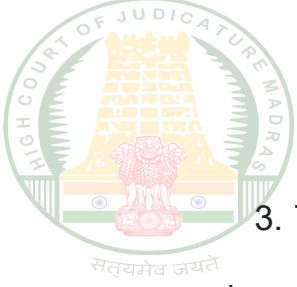


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**Judgment****(Judgment of the Court was delivered by S.M.Subramaniam J.)**

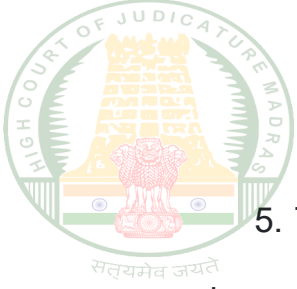
The present intra Court appeal has been instituted challenging the writ Court order dated 30.01.2024 passed in W.P.No.24310 of 2020.

2. The facts in brief would show that the husband of the respondent Late V.Kumar was holding the post of Head Constable and died on 05.05.2005. The respondent / wife filed an application seeking appointment on compassionate ground on 24.07.2005. The application was not considered for about 15 long years and finally the authority issued an order of appointment on 31.12.2020. The respondent could not able to join in the post since she has stated that she met with an accident on 19.02.2021 after a lapse of about 16 years from the date of death of the deceased employee, respondent sought for an appointment to her second son. The said application was rejected on 12.05.2023 on the ground that alternate application can be considered only when the legal heir of the deceased government servant expires pending consideration of the application for compassionate appointment.



3. The Writ Court proceeded on the basis that the wife of the deceased employee declined to accept the appointment order issued to her and the second son of the deceased employee submitted an alternative application on 19.02.2021 and as per the Scheme, alternative application should have been made within a period of one year. However, the Rule came to be notified on 08.03.2023 and the application was filed on behalf of the second son of the deceased employee in the year 2021. Considering the said factual position, the Writ Court granted the relief directing the appellants to pass appropriate orders on the application dated 19.02.2021 and issue appointment order to any suitable post to the second son of the deceased employee K.Pravin Kumar.

4. Learned Government Counsel would mainly contend that another son of the deceased employee is working in Government service. That apart, the order of appointment was issued to the wife of the deceased employee in the year 2020 itself. The alternative application was filed in the year 2021 and the penurious circumstance was not established on account of efflux of time and thus the Government rejected the application filed by the second son of the deceased employee.



5. This Court has considered the rival submissions made by the parties and perused the materials placed on record.

6. The scheme of compassionate appointment is a concession and not a constitutional scheme of appointment. The scheme is violative of Article 14 and 16 of the Constitution of India. No merit assessment is made, the rule of reservation is not followed, and recruitment procedures are dispensed with. While it is a special scheme of appointment formulated to mitigate the circumstances arising out of the sudden death of a Government employee, in a sense, penurious circumstance prevailing in the family is an important factor to be taken into consideration for issuance of an order of appointment on compassionate ground. Large number of compassionate appointments would affect the administrative efficiency since there is neither merit assessment nor the conditions stipulated in the recruitment rules are followed. This exactly is the reason why the Courts have repeatedly emphasised that the scheme of compassionate appointment is to be implemented scrupulously in terms of the scheme and there cannot be any violation. Such appointments are to be made within a reasonable period of time. Long pendency of the application *per se* would be sufficient to draw a factual inference of the penurious circumstance that arose on account of the death of the employee. Verification of indigent circumstance is of paramount importance. All these factors have to



be complied. Under the Constitution, efficient administration is mandated and therefore any scheme or concession should not result in affecting the efficiency in public administration and thus the authorities are expected to be cautious while issuing the order of appointment which is to be done in accordance with the administration of the scheme.

7. The High Court in exercise of judicial review, is not expected to consider compassionate appointment by misconceived sympathy, which would offend the equal opportunity as mandated under the Constitution. Large number of compassionate appointments would result in infringement of the basic right of the meritorious candidates, who are all longing and waiting to secure public employment through open competitive process.

8. In the present case, the deceased employee died in the year 2005. The applications submitted by the wife of the deceased employee was considered and the appointment order was issued in the year 2020. She could not join duty. Therefore, alternative application was filed by the second son of the deceased employee in the year 2021 and that was rejected. Learned Government Counsel would now bring to the notice of this Court that another son of the deceased employee is also employed in Government



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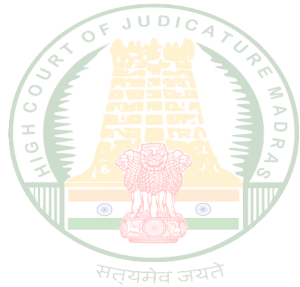
service. For all these reasons, the family of the deceased employee is not entitled for compassionate appointment.

9. Therefore, the order impugned dated 30.01.2024 passed by the writ Court in W.P.No.24310 of 2023 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)  
03-06-2026

Index: Yes  
Speaking order  
Neutral Citation: Yes

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AND  
N.SENTHILKUMAR J.**

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