



WEB COPY

WP No.33484 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No.33484 of 2025

and

W.M.P. Nos.37621 of 2025 and 458 of 2026

M. Mahalakshmi

... Petitioner

Vs

The Tahsildar,
Pollachi Taluk,
Coimbatore – 642 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondent to pay salary due to the petitioner from September 2024 in the post of Village Assistant together with periodical increments by issuing necessary confirmation order and to give her all such career advancement and promotion which is due to her being the Village Assistant within a time frame fixed by this Court.

For Petitioner :

Mr. N.G.R. Prasad
for M/s.Row and Reddy

For Respondent:

Mr.P. Ganesan
Addl. Govt. Pleader



3. Learned counsel for the petitioner submitted that the petitioner was appointed on compassionate grounds in the year 2018 after due verification of her indigent circumstances and had been continuously discharging her duties till August 2024. The respondents accepted her services for nearly six years and even appreciated her performance vide Letter of Appreciation dated 21.06.2024 issued by the District Election Officer, Coimbatore. Without issuing any cancellation order or initiating disciplinary proceedings, the respondents cannot withhold her salary. In view of the above, he prayed for regularisation of petitioner's service and disbursement of salary from September 2024 onwards to the petitioner with consequential benefits. Hence, he prayed before this Court for issuance of appropriate directions in this regard.

4. Learned Additional Government Pleader appearing for the respondent based on written instructions, submitted that compassionate appointment is permissible only when the deceased was a permanent Government servant. Since the petitioner's husband was only a temporary employee, she was not eligible for such appointment under the relevant Government Orders. As the petitioner's appointment was contrary to rules, confirmation cannot be granted. Therefore, he prayed for dismissal of this writ petition.

5, Heard both sides.

6. It is not in dispute that the petitioner was appointed in 2018 and was permitted to continue in service till August 2024. It is also an undisputed fact



that the respondent has accepted her services for nearly six years and paid salary till August 2024. This Court also noted the letter of Appreciation dated 21.06.2024 issued to the petitioner. Having taken benefit of her services for six years, the respondents cannot abruptly stop salary without cancelling the said proceedings. The main contention of the petitioner is that she was appointed on compassionate ground and later her services were not regularised by the respondent. This Court finds that there is no justification for refusal also, by the respondent.

7. When the petitioner is appointed on compassionate ground through a proper procedure and work has been taken from the petitioner and her work is also appreciated, continuing her work for six years and thereafter not regularising the services of the petitioner and that too without considering the fact her appointment is on compassionate basis clearly reveals the non application of mind of the respondent in not properly considering the petitioner's case.

8. In such view of the matter, this Court, without going into the merits of the claim of the petitioner, directs the respondent to consider the petitioner's representation dated 16.07.2025 and pass orders on merits and in accordance with law considering all the aforesaid facts, within a period of twelve weeks from the date of receipt of a copy of this order.



9. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VSI-2

To

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M.DHANDAPANI, J.

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