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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 36126 of 2024

CNR:{HCMA012126472024}

A.Marappan
S/o.Late R.Arumugam, 168/1, Mariamman Koil Street, Ganesh Nagar, Bargur Post, Krishnagiri District.

Case QR

..Petitioner(s)

Vs

1. The District Collector
   Krishnagiri District, Krishnagiri.
2. Block Development Officer
   (village Panchayat) Soolagiri Panchayat Union,
   Krishnagiri District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying issuance of Writ of certiorarified Mandamus Calling for records from the file of second respondent in Na.Ka. No. 998/ 2024/A1 dated 31.07.2024 and quash the same and direct the first respondent to consider petitioner application in accordance with appointment on compassionate ground rules 2023 and grant appointment as per eligibility and also as per seniority.

For Petitioner(s): M/s. M.Munirathinam,
Mr.S. Sathish [change of vakalat dt.28.04.2025]Dt 28/4/25

For Respondent(s): Mr.V.Tamizhanban, Govt. Advocte

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ORDER

The present writ petition has been filed challenging the impugned order dated 31.07.2024, whereby the petitioner's request for compassionate appointment was rejected.

2. The learned counsel for the petitioner would submit that his father, one Mr. Arumugam, died in the year 2005. Immediately thereafter, his mother had submitted an application seeking compassionate appointment. At the time of the death of his father, the petitioner was a three-month-old baby. On attaining majority, he had immediately submitted an application before the 2nd respondent. Therefore, the rejection of his application on the ground of delay is erroneous. It is also his contention that he had submitted a representation to the District Collector; however, the order was passed by the Block Development Officer (BDO). Therefore, the impugned order was passed by an incompetent authority. Hence, on both grounds, he is challenging the impugned order.

3. *Per contra,* the learned Government Advocate appearing for the respondents would strongly oppose the said contention and would contend that the second respondent, being the appointing authority, is competent to pass such an order. Though the representation was submitted to the District Collector, since it was forwarded to the BDO, the second respondent herein is the appropriate authority to pass an order. It is his further contention that immediately after the death of the petitioner's father, when the petitioner's

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mother submitted an application, the same was rejected on the ground of delay. After such rejection and after a lapse of 14 years, the petitioner has come up with the present application. Therefore, the present application is liable to be dismissed on the ground of delay and laches. It is also his contention that any compassionate appointment should be made in accordance with the guidelines and that the petitioner's claim does not fall within the conditions stipulated in the guidelines. Hence, he prays for dismissal of the writ petition.

4. I have given my anxious consideration to the submissions made on either side.

5. On looking into the facts, it is seen that the petitioner's father died on 28.11.2005. Admittedly, the petitioner's mother submitted an application seeking compassionate appointment, which was later rejected on the ground that the same was submitted after the expiry of the period of three years. The said rejection has not been challenged. It is the contention of the petitioner that, on the date of the death of his father, he was three months old and that immediately after attaining majority, he came forward with the present application.

6. Though such is the position, whenever an application seeking compassionate appointment is considered, it should be considered in accordance with the guidelines prevailing as on the date of the death of the employee. In the case on hand, according to the respondents, the guidelines prevailing as on the relevant date were G.O. issued in G.O.Ms.No.120, Labour and Employment

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Department, dated 26.06.1995. According to the above guidelines, any application should be filed within a period of three years. In the case on hand, admittedly, both the applications were submitted after a long lapse of time.

7. Furthermore, compassionate appointment is an exception to public employment. The very purpose of compassionate appointment is to alleviate the suffering of the deceased employee's dependants and to address their immediate penury and indigent circumstances. In this case, the petitioner has survived for almost more than 20 years. Therefore, at this length of time, the petitioner cannot seek compassionate appointment as a matter of right.

8. Therefore, this Court is of the firm view that, when the petitioner's application is not in accordance with the guidelines and there has been a delay in submitting the application, this Court cannot find any infirmity in the impugned order. Accordingly, the present writ petition is **dismissed**. There shall be no order as to costs.

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

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To

1. The District Collector
   Krishnagiri District, Krishnagiri.
2. Block Development Officer
   (village Panchayat) Soolagiri Panchayat Union,
   Krishnagiri District.
3. The Public Prosecutor, High Court of Madras.

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C.KUMARAPPAN J.

JRS

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