



WEB COPY

WP No.55 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

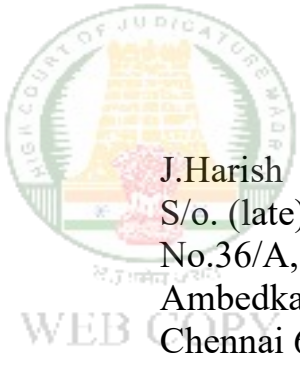
**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

**WP No.55 of 2025
AND
WMP No.66 of 2025**

1. Union of India
Rep.by the Secretary
Ministry of Personnel, Public
Grievances and Pensions
Department of Pensions and
Pensioners Welfare, 3rd Floor,
Lok Nayak Bhawan, Khan Market
New Delhi 110 003
2. The Secretary
Ministry of Communications
Department of Posts, Dak Bhawan
Sansad Marg, New Delhi 110 011
3. The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
4. The Assistant Director (Rectt.)
Office of The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
5. The Senior Superintendent RMS
Airmail Sorting Division
Chennai 600 016

Petitioners

Vs



J.Harish
S/o. (late) E.Janarthanan, Ex-TSCL
No.36/A, Parameswaran Street
Ambedkar Nagar, Old Pallavaram
Chennai 600 117

Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to order dated 22.02.2023 passed in Original Application No.663 of 2021 on the file of the Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioners: Mr.A.R.Sakthivel
Senior Panel Counsel

For Respondent: Mr.R.Malaichamy

ORDER
(Order of the Court was made by P.Velmurugan J.)

Challenging the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.663 of 2021 dated 22.02.2023 allowing the claim of the respondent for appointment on compassionate grounds, the present writ petition has been filed by the Department of Posts.

2. The case of the respondent before the Tribunal was that his father, who was engaged as outsider from 1984/1985 without any break, was conferred with temporary status in the year 2001. According to the instructions issued by the Department dated 17.05.1989 for absorption of Mazdoors who have completed 240 days of work, the petitioners ought to have granted the benefits of absorption to his father in Group-D cadre under the scheme called Temporary



Status for Casual Labourer introduced from 1989 to 1991 and further extended till 1993. According to the said order of conferment of temporary status, after completion of 3 years service in temporary status, the services of the respondent's deceased father has to be absorbed/regularised in the cadre of Group-D. Even otherwise, he is entitled for all the benefits which has been given to the temporary regular employee and he has to be treated as a regular employee. Unfortunately, the respondent's father died in a road accident on 02.06.2009 leaving behind the respondent and his mother, one brother as well as his grand mother as the legal heirs. After the sudden demise of his father, the respondent's family is suffering with a penury condition and hardship, since they do not possess movable or immovable property and residing only in a rented house. On considering the penury of the respondent's family, the Department has appointed his mother on daily wage basis by order dated 23.06.2009 in one of the Group D vacancy and the applicant's mother has been working in the organisation continuously and regularly. Therefore, the respondent's mother approached the authority and requested for compassionate ground appointment immediately after the death of the employee. However, the authorities rejected the claim of respondent's mother stating that engagement can be done to one of the dependent family members of casual labourer engaged on or before 01.09.1993 only in case where one dies while at work and also on the ground that the respondent's mother does not fulfil the requisite educational qualification as per GDS Engagement Rules, 2011 as well as refused to consider



the claim of the applicant for compassionate appointment, by order dated 22.09.2020. Challenging the same, the respondent has approached the Tribunal seeking to set aside the same and direct the petitioners to appoint the respondent on compassionate grounds in anyone of the vacant posts considering his educational qualification with all attendant benefits. After hearing the parties, the Tribunal allowed the original application and granted the relief in favour of the respondent. Challenging the said order, the present writ petition has been filed by the Department.

3. The learned Senior Panel Counsel appearing on behalf of the petitioners would submit that the respondent's father was not regularised in the services till his death, as the respondent authority does not have sanctioned vacant post to regularise him and he has been treated as a casual labour according to the rule and that the request from the dependent of the deceased employee who is a casual labour has to be considered in accordance with the rules. Once the respondent's mother's claim has been considered and rejected for appointment as Gramin Dak Sevak on the ground that she did not fulfil the requisite educational qualification, the respondent cannot once again claim the same, as the authority has rightly rejected his claim holding that the issue cannot be reopened. The learned Senior Panel Counsel also relied upon the Division Bench order in W.P.No.34427 of 2019 dated 29.11.2023 (Union of India and others v. Manimozhi), wherein the Division Bench has rejected a similar request



for compassionate appointment. However, the Tribunal, without considering these facts, has wrongly allowed the claim of the respondent, which needs interference at the hands of this Court.

4. On the other hand, the learned counsel appearing on behalf of the respondent would submit that when the mother of the respondent was already engaged by the Department on daily wage basis immediately after the death of the deceased government servant and has been working as such till date considering the indigent circumstances, the claim of the respondent for compassionate appointment ought to have been considered by the Department, since her mother's request has been rejected only on the ground that she did not possess the required educational qualification to hold the post of Gramin Dak Sevak. Hence the order passed by the Tribunal requires no interference.

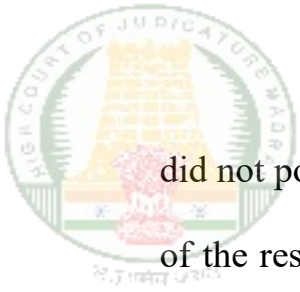
5. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

6. It is admitted by the petitioners that the respondent's father, who was working prior to 1993, has performed duty for 240 days continuously and even thereafter. Regarding the duties rendered from 01.01.2000 to 31.12.2000, a policy decision was taken by the competent authority to consider the claim of all such casual labourers who are with their employer prior to 01.09.1993 and



accordingly by the decision dated 09.02.2001, all those employees have been conferred with the temporary status including the name of the respondent's father at Serial No.53, who belongs to ST category. According to the said decision, an employee who is conferred with temporary status, is entitled to be treated at par with temporary Group-D employees with effect from the date he completes three years of service in the newly acquired temporary status and will be entitled to the benefits admissible to temporary Group-D employees, namely, all kinds of leave admissible to temporary employees, holidays as admissible to regular employees, counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete three years of service in that status while granting their pension and retirement benefits after their regularisation.

7. It is to be noted that after the death of the respondent's father, who died in a road accident in the year 2009, considering the indigent circumstances of the family of the deceased employee, the Department engaged the respondent's mother on daily wage basis in one of the Group-D vacancy to tide over the situation and she was working as such. Further, when the respondent's father was conferred with temporary status in the year 2001 itself and made entitled to the benefits as mentioned already, the Department has applied the circular issued in the year 2015 to reject the claim of the respondent's mother that she



did not possess the required educational qualification and also rejected the claim of the respondent that the issue cannot be reopened. However, the Tribunal has considered the order passed by the High Court of Delhi in W.P.No.11934 of 2015 dated 01.03.2016, (Kuntesh & anr v. UOI and another), wherein the Court has considered a similar plea and observed that the temporary worker could not be treated on par with the daily wager or casual employee who was also not a adhoc or contractual employee, though not conferred the status of regular employee, however such an employee certainly is in a much better and favourable position as compared to daily wager, casual, adhoc or contractual employee. The Court also found that an employee who has started working in the office of the Department from the year 1988 and been conferred with the temporary status on 17.12.1993 was treated as a Group 'D' employee for the purpose of General Provident Fund w.e.f. 04.02.1997. It was also noticed that the deceased employee should have been regularised in the normal course much before his death but unfortunately did not happen. The Court has also observed that the respondents in the counter affidavit filed before us have accepted that one Prem Lata Devi, legal heir of a temporary status employee was granted compassionate appointment, but it is claimed that this was an erroneous appointment and, therefore, would not confer any right to the petitioners herein. However, the Court took note of a decision dated 4th November, 2015 in W.P. (C) No.10382 of 2015, (Union of India & Ors. Vs. Babita), wherein a temporary employee, who had worked for 20 years, had died in service and the request for



compassionate appointment was declined. The Tribunal in the said case had allowed the OA and had directed the Union of India to consider the legal heir's case for compassionate appointment. The Court has referred to the nature and character of temporary status under the aforesaid Scheme and has observed that once the temporary worker had rendered three years of continuous service, he was entitled to certain benefits and was virtually treated in similar manner as regular employees. The High Court has also referred to the aim and objective of compassionate appointment, which is to provide succour and help to the family of the deceased employee, who has died in harness, to get over penury and financial hardship as a result of the untimely death.

8. In the case on hand, when the respondent's father was already conferred with the temporary status in the year 2001 entitling him to various benefits as mentioned already, on the premise that he was not regularised in the post for want of vacancy in the sanctioned post, the petitioners cannot reject the claim of the respondent for compassionate appointment, as the breadwinner died in a road accident. It is also equally admitted by the Department that the wife of the deceased government servant was engaged on daily wage basis to tide over the financial crisis of the family of the deceased. Therefore, considering the facts and circumstances of this case as well as the order passed by the High Court of Delhi, this Court holds that the respondent's father, who was granted with temporary status, has to be treated on par with a regular



employee and the Division Bench decision cited by the petitioners is of no avail.

In view of the same, the petitioners applied a wrong policy while considering the claim of the respondent's mother and rejected her claim when they have offered appointment as daily wager. Even otherwise, the petitioners could have relaxed the educational qualification considering the financial status of the deceased family.

9. In the light of the above, this Court does not find any perversity in the order passed by the Tribunal. Accordingly, the writ petition stands dismissed. Consequently, the interim order stands vacated and the connected WMP is also dismissed. No order as to costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
12-03-2026

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

ss



To

1. The Registrar
Central Administrative Tribunal
Chennai Bench, Chennai 600 104
2. The Secretary
Ministry of Personnel, Public
Grievances and Pensions
Department of Pensions and
Pensioners Welfare, 3rd Floor,
Lok Nayak Bhawan, Khan Market
New Delhi 110 003
3. The Secretary
Ministry of Communications
Department of Posts, Dak Bhawan
Sansad Marg, New Delhi 110 011
4. The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
5. The Assistant Director (Rectt.)
Office of The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
6. The Senior Superintendent RMS
Airmail Sorting Division
Chennai 600 016



WEB COPY

WP No.55 of 2025



**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

SS

WP No.55 of 2025

12-03-2026