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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

WA No. 1491 of 2026

R.Sarathkumar

..Appellant(s)

Vs

1. The Joint Registrar Of Cooperative Societies
Thiruvannamalai Region,
Thiruvannamalai,
Thiruvannamalai District.
2. The Deputy Registrar Of Cooperative Societies
Thiruvannamalai Circle,
Thiruvannamalai,
Thiruvannamalai District.
3. The Administrator
H.H.17, Periya Kilampadi Primary Agricultural
Cooperative Credit Society,
Periya Kilampadi Village,
Thiruvannamalai District.

..Respondent(s)

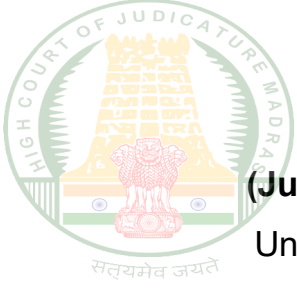
Writ Appeal filed under Clause 15 of Letters Patent issuing writ of certiorari mandamus to set aside the Order dated 20.06.2024 in W.P.No.16264 of 2024

For Appellant(s):

Mr.C.Prakasam

For Respondent(s):

Dr.R.Gouri
Government Counsel



JUDGMENT

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

Under assail is the writ order dated 20.06.2024 passed in

W.P.No.16264 of 2024.

2. The father of writ petitioner was working in 3rd respondent/Periya Kilampadi Primary Agricultural Cooperative Credit Society and died on 05.08.2007, while he was in service. Appellant submitted an application on 06.05.2010 seeking appointment on compassionate ground. Since he was 14 years old at the time of submission of application, authorities rejected the same.

3. Writ Court also considered the fact that a minor cannot maintain an application seeking compassionate appointment and dismissed the writ petition.

4. Learned counsel for the appellant would mainly contend that Deputy Registrar has no authority to reject the application submitted by the petitioner seeking compassionate appointment. Cooperative Societies are following the Government scheme of compassionate appointment. Thus, the case of the appellant should be considered on attaining his age of majority. Since he attained the age of majority, a fresh application was submitted, which is to entertained.



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5. Scheme of compassionate appointment is a concession and cannot be claimed as an absolute right. Scheme is violative of Article 14 and 16 of the Constitution of India. The purpose of the scheme is to mitigate the circumstances arising on account of sudden death of Government employee. Therefore, penurious circumstances prevailing in the family is to be established. It is not the idea to provide one appointment to the family of the deceased employee. The indigent circumstances must be established. Long delay in considering the appointment is also a ground to reject the application, since a factual inference can be drawn that the penurious circumstances arose on account of the sudden death of the employee became vanished.

6. Compassionate appointments are made without any merits assessment. No reservation is followed. Recruitment rules are dispensed with. Therefore, large scale compassionate appointments will result in affecting the administrative efficiency. That apart, all appointments to public post are to be made under the constitutional scheme of appointment. Large scale concessional appointments or scheme appointments would infringe the fundamental rights of the eligible candidates, who all are aspiring to secure public employment through open competitive examination. This exactly is the reason why Constitutional Courts time and again reiterated that compassionate appointment are to be granted strictly in accordance with terms and conditions stipulated under the scheme, and the authorities cannot dilute the scheme nor Court can show any misplaced sympathy in the matter



of compassionate appointment, which would result in infringement of the public right, since the recruitments are to be made only under a Constitutional scheme and through open competitive process.

7. In the present case, Writ Court has considered the fact that the application though filed within a period of three years from the date of death of the deceased employee, the appellant was a minor at that time. Therefore, first application was not entertainable, and second application filed beyond the period of three years is also not maintainable. The said reason is in consonance with the established legal position. Thus, this Court is not inclined to entertain the writ appeal. Accordingly, the writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.K.M.,J.)
08-06-2026

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

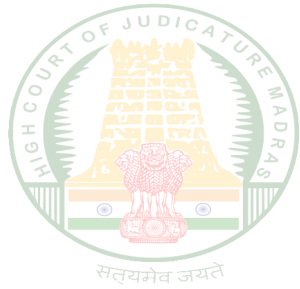
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To

1. The Joint Registrar Of Cooperative Societies
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Thiruvannamalai District.
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**S.M.SUBRAMANIAM, J.
AND
R.KALAIMATHI, J.**

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