



WEB COPY

WA No. 379 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

&

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 379 of 2026

R.Vishnupriyan
S/o Saraswathy (Late),
No. 2/40, P. Ponneri,
Vijayam Nagar, Pennadam R.S,
Thittakudi Taluk,
Cuddalore District.

..Appellant

Vs

1. The State of TamilNadu
Rep by its Principal secretary to Governemnt,
Social Welfare and Women Empowerment
Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director
O/o Directorate of Social Welfare,
2nd Floor, Panagal Building,
Saidapet,
chennai 600 015
3. The Child Development Project Officer
Project III, Kandamangalam Union,
Villupuram District

..Respondents



Prayer: Writ Appeal filed under clause 15 of the Letters Patent to set aside the order passed in WP.No.5276 of 2023, dated 25.10.2025.

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For Appellant : Mr.G.Sankaran,
Senior counsel for
Mr. S.Nedunchezhiyan

For Respondents : Mr.E.Veda Bagath Singh,
Spl. Govt. Pleader

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed by the appellant against the order dated 25.10.2025 made in W.P.No.5276 of 2023.

2. That the appellant was the writ petitioner. When he was six years old, one Saraswathi claimed to be the adoptive mother of the petitioner, adopted him as an adoptive son on 09.03.1998, that is within few days before her death, which occurred on 26.03.1998.

3. The said Saraswathi was working as a Supervisor (Nutritious Meals) in Kandamangalam Union, Villupuram District in the respondent Department. After some years, it seems that the grand mother of the petitioner, Lakshmi



Ammal had given an application seeking compassionate appointment for the said minor, i.e., the adoptive son. Thereafter, he became a major and only in the year 2011, he had made an application seeking compassionate appointment.

4. The said application, was rejected by the respondents vide order dated 07.02.2018. Aggrieved over such rejection, the first round of litigation had been filed in W.P.No.1866 of 2020, where, an order has been passed by the Writ Court on 23.07.2021, whereby, the order passed by the respondents dated 07.02.2018 was quashed and a direction was given to the Writ Petitioner to submit all the required original documents to the 2nd respondent therein and on receipt of such original documents, the 2nd respondent therein, that is the Director of Social Welfare, who is the 2nd respondent herein shall pass orders that is positive orders granting an order of compassionate appointment to the petitioner with a time frame.

5. However, pursuant to the said order also, the application submitted by the writ petitioner/appellant having been considered, was rejected through a recent order that has been passed on 16.09.2022, which was under challenge in the present Writ Petition.

6. The learned Writ Court having considered the factual matrix of the case, has observed that the adoptive mother died on 26.03.1998 and adoption



was taken place on 09.03.1998. Therefore, in order to get some benefits to the six year old boy, suddenly such an adoption was made just few days prior to the death of the said mother, namely Saraswathy who was the deceased employee and also the learned Judge has observed that the writ petitioner/appellant having completed Bachelor of Engineering degree, as of now is 36 years old. However, it is disputed by the learned Senior Counsel appearing for the appellant that the appellant is only 32 years old.

7. Be that as it may. If at all, the writ petitioner/appellant's family was in indigent circumstances by the death of the said Saraswathy, the writ petitioner/appellant would not have been completed his studies in a professional course and become an Engineer.

8. Moreover, the law is well settled in so far as the compassionate appointments are concerned to state that the compassionate appointment scheme being envisaged for various employees including State and Central Governments, are only to bail out the families which are suddenly left by the sole bread winner or head of the families which are in indigent circumstances and therefore, in such kind of circumstances, in order to over come the same and to bail out such families from such penurious situation alone, the compassionate appointments are provided under the scheme.



9. It is further to be noted that compassionate appointment is a clear deviation of the required recruitment process for any public employment. All these issues had been considered by the Honourable Supreme Court in various decisions

10. One such decision is ***Canara Bank Vs. Ajithkumar G.K., reported in 2025 SCC OnLine SC 290***, whereby, the Honourable Supreme Court has held as follows:

'44. As pertinently held in B.Kishore (supra), indigence of the dependants of the deceased employee is the fundamental condition to be satisfied under any scheme for appointment on compassionate ground and that if such indigence is not proved, grant of relief in furtherance of protective discrimination would result in a sort of reservation for the dependents of the employee dying-in-harness, thereby directly conflicting with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution. Also, judicial decisions abound that in deciding a claim for appointment on compassionate grounds, the financial situation of the deceased employee's family must be assessed. In a situation otherwise, the purpose of the scheme may be undermined; without this evaluation, any dependent of an employee who dies while in service might claim a right to employment as if it is heritable.

45. The ratio decidendi of all these decisions have to be read in harmony to achieve the noble goal of giving succour



*to the dependants of the employee dying-in-harness, who are genuinely in need, and not with the aim of giving them a post for another post. One has to remember in this connection the caution sounded in **Umesh Kumar Nagpal** (supra) that as against the destitute family of the deceased there are millions of other families which are equally, if not more, destitute.'*

11. If that being the *ratio decidendi* of various decisions on the compassionate ground that only in order to achieve the noble goal of giving succour to the dependants of the employees who are dying in harness, who are genuinely in need, and not with the aim of giving them a post for another post. One has to remember in this connection, the caution that has been made in **Umesh Kumar Nagpal**, cited therein, that as against the destitute family of the deceased, there are millions of other families which are equally destitute.

12. Therefore, if these principle as has been set out by the Hon'ble Supreme Court in various decisions including the decision which we have cited in **Canara Bank Vs. Ajithkumar G.K., reported in 2025 SCC OnLine SC 290** is taken into account, the family of the present petitioner/appellant certainly is not in an indigent circumstances as the petitioner/appellant was able to complete his professional degree and has become a qualified professional of holding any higher post.

13. When that being the position, it cannot be stated that the

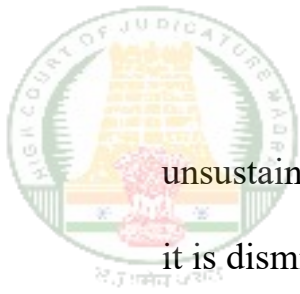


petitioner/appellant deserved to be getting a job in Group C or Group D post, that too, by way of compassionate appointment. Apart from other reasons, the aforesaid family circumstances would certainly show that the family of the writ petitioner/appellant, since is not in an indigent or penurious circumstances, being the basic criteria to be considered for compassionate appointment, We are not inclined to accept the plea raised by the appellant/petitioner who wants to assail the judgment of the Single Judge dated 25.10.2025.

14. Therefore, the reasoning that has been given in the conclusion arrived at by the learned Judge in the order impugned dated 25.10.2025 can very well be supported and it can be sustained.

15. Merely, because a direction has been given by the learned Writ Court in the earlier round of litigation in W.P.No.1866 of 2020, dated 23.07.2021 that cannot alter the situation of the family circumstances of the writ petitioner/appellant which is not in indigent circumstances, as no records have been shown to state that the writ petitioner/appellant is struggling to meet both the ends for all these years and as he has also already crossed 36 years.

16. When that being the position, the plea raised by the writ petitioner/appellant to seek for compassionate appointment by setting aside the order impugned passed by the Writ Court in allowing the Writ Appeal is



unsustainable, thereby, the Writ Appeal is liable to be dismissed. Accordingly,
it is dismissed. However, there shall be no order as to costs.

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[R.S.K.,J.] [S.S.A.,J.]

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr

To

1. The Principal Secretary to Government,
Govt. of Tamil Nadu
Social Welfare and Women Empowerment
Department, Secretariat, Fort St. George,
Chennai 600 009.
2. The Director
O/o Directorate of Social Welfare,
2nd Floor, Panagal Building,
Saidapet,
Chennai 600 015.
3. The Child Development Project Officer
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