



WP(MD). No.9593 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09/04/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9593 of 2026
and WMP(MD)Nos.7649 and 7650 of 2026

S.Sakthi

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Secretary to Government Personal
and Administrative Reforms Department
Secretariat, Chennai-600 009.

2. The Additional Chief Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai-600009.

3. The Commissioner,
Musiri Municipality, Tiruchirappalli
District, Musiri - 621211.

4. Musiri Municipality,
Rep. by the Chairman Musiri
Municipality, Tiruchirappalli District,
Musiri-621211.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the Rule enacted by him providing the maximum age limit for compassionate appointment in Rule 6(1) (b) of the Tamil Nadu



WP(MD), No.9593 of 2026

Services Appointment on Compassionate Grounds Rules 2023 along with the order passed by the third respondent in his proceedings Na.Ka.No.1116/2025/C1 dated 24.06.2025 and 10.11.2025 and also the order passed by the first respondent in his proceedings letter no. 12198453/G1/2025-1 dated 18.12.2025 and quash the same and direct the respondents to provide compassionate appointment to the petitioner with effect from the date of her application with all the service and monetary benefits.

For Petitioner : Mr.D. Selvanayagam
For Respondents : Mr.B.Ramanathan
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and Mr.Ramanathan, learned, Additional Government Pleader for the respondents.

2. Though this writ petition has been filed challenging the Rule 6(1)(b) of the Tamil Nadu Civil services (Appointment on Compassionate Grounds) Rules, 2023,(hereinafter referred to as "Rules" taking into consideration the nature of the impugned order passed by the Government dated 18.12.2025, this Court is not inclined to examine the validity of the said Rule for the present.



WP(MD). No.9593 of 2026

3. The petitioner herein, happens to be the sister of one S.Murugesan, who served as Junior Assistant in the Office of the third respondent died in harness on 25.05.2023. It was thereafter the petitioner herein made an application for consideration of her case for compassionate appointment and also approached this Court by filing W.P(MD).No.29023 of 2025 and the said writ petition came to be disposed of by a co-ordinate bench of this Court by order dated 15.10.2025. For clarity, the relevant portion from the said order is extracted herein under:

"2. Learned learned Senior Counsel appearing for the petitioner would submit that as per Section 58 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as 'the Act'), the Government has powers to relax the qualifications for appointment. He would further submit that the condition of 40 years is contrary to the Act and also the reason for which the policy of Compassionate Appointments are being made. Hence, he would submit that the petitioner may be permitted to make a representation by invoking the powers of the Government under Section 58 of the Act, seeking for relaxation and that when such representation is made, the first respondent should consider the representation of the petitioner and thereafter the claim of the petitioner for compassionate appointment can also be considered.



WP(MD). No.9593 of 2026

3. *Acceding the request made by the learned Senior Counsel appearing for the petitioner, this writ petition is disposed of with a direction to the petitioner to submit a representation within a period of four weeks from today(15.10.2025), seeking relaxation by invoking the powers of the Government under Section 58 of the Act and when such representation is made, the first respondent shall consider the said as per the principles laid down for representation compassionate appointment and pass appropriate orders passed in favour of the petitioner, consider the claim of the within a period of four weeks thereafter and if any order is petitioner for compassionate appointment within a period of eight weeks thereafter".*

4. It was pursuant to the above said order, the petitioner submitted a representation dated 24.10.2025 requesting for relaxation of the upper age limit prescribed under Rule 6(1)(b) of Rules. In consideration of the said presentation, the first respondent passed the impugned order dated 18.12.2025. From the perusal of the representation dated 24.10.2025 received by the first respondent on 07.11.2025, it is evident that the petitioner made a specific request for relaxation of age limit and sought for compassionate appointment. But from the perusal of the impugned order related 18.12.2025 passed by the first respondent, there is nothing to indicate that the request of the petitioner for relaxation of upper age limit prescribed and Rule 6



WP(MD), No.9593 of 2026

(1)(b) of Rules has been considered. Instead, the Government once again reiterated that the petitioner has completed 40 years of age which is described as upper age limit. From this, it is evident that there is non-application of mind on the part of the first respondent while considering the representation submitted by the petitioner. The petitioner has submitted the representation dated 24.10.2025, which was received by the first respondent on 07.11.2025 is pursuant to the order passed by this Court. This Court specifically mandated the first respondent to consider the said representation for relaxation of upper age limit prescribed under Rule 6(1)(b) of Rules. But while passing the impugned order dated 08.12.2025, the first respondent failed to take note of the same and absolutely not considered the case of the petitioner for relaxation of upper age limit.

5. In the circumstances, though the learned Additional Government Pleader sought time for filing counter, this Court does not deem it necessary to adjourn the matter for filing counter as the error is apparent on the face of the impugned order dated 18.12.2025.

6. Accordingly, the impugned order 18.12.2025 is hereby quashed and the matter is remanded back to the first respondent for



WP(MD), No.9593 of 2026

re-considering the case of the petitioner for relaxation of upper age limit prescribed under Rule 6(1)(b) of Rules issued in G.O.(Ms.) No. 33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023 in the light of the power of relaxation conferred under 17 of the Rules.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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WP(MD), No.9593 of 2026

To,

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4. The Chairman.
Musiri Municipality,
Tiruchirappalli District,
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WP(MD), No.9593 of 2026

MUMMINENI SUDHEER KUMAR,J

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WP(MD) No.9593 of 2026

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