



W.A.(MD)No.305 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.A.(MD)No.305 of 2021

G.Sagunthala

... Appellant

Vs.

- 1.The Director of Public Health Service and
Preventive Medicine Department,
Chennai-6.
- 2.The Deputy Director of Public Health Service
and Preventive Medicine Department,
Thanjavur.
- 3.The Project Director,
Filaria and Malaria Department,
District Head Government Hospital,
Kumbakonam, Thanjavur District.
- 4.The District Treasury Officer,
District Treasury,
Thanjavur District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.11531 of 2011 dated 13.03.2018 on the file of this Court.



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For Appellant : Mr.K.Thandayuthapani

For Respondents : Mr.S.S.Madhavan,
Addl. Government Pleader.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The unsuccessful writ petitioner is the appellant before this Court. The appellant's husband / Gopal was employed as Field Officer in the Health Department. He passed away on 02.06.2006 while in harness. The appellant's son / K.Rajinikanth was appointed on compassionate grounds. Unfortunately, the appellant's son also passed away on 27.07.2008. Thereafter, the appellant was appointed on compassionate grounds on 19.12.2008. She was serving in the Health Department till 22.08.2011 as Field Worker. Subsequently, the authorities realized that compassionate appointment can be granted only to one member of the family and since the son of the deceased was already appointed, appointing the appellant on compassionate grounds was irregular. In that view of the matter, after issuing show cause notice, the appellant's



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appointment was terminated. Challenging the termination order, W.P. (MD)No.11531 of 2011 was filed. The learned Single Judge dismissed the writ petition in the following terms:-

“3.Subsequently, the authorities competent found that the Writ Petitioner was irregularly appointed on compassionate grounds in view of the fact that her son was already provided with an appointment on compassionate grounds on 16.2.2007 itself. A show-cause notice was issued to the Writ Petitioner on 22.07.2011 and on receipt of her explanation on 06.08.2011, the impugned order of termination was issued on 22.8.2011. The impugned order states that the Writ Petitioner was irregularly appointed as Field Officer on compassionate grounds. It is further stated that the son of the Writ Petitioner Shri.G.Rajinikanth was already appointed on compassionate grounds on account of the death of the deceased employee late.Shri T.Gopal, then the appointment of the Writ Petitioner was in violation of the terms and conditions of the scheme of compassionate appointment.

4.This Court is of an opinion that the order of appointment, dated 19.12.2008 issued to the Writ Petitioner states that the appointment was purely on temporary basis and the Writ Petitioner is liable to be terminated without any notice or providing any reason. Secondly, the son of the Writ Petitioner had been already appointed on compassionate grounds and he served and thereafter expired. Then there cannot be any second



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appointment on compassionate grounds on account of the death of the deceased employee. Erroneously, the authorities have granted two appointments on compassionate grounds. One to the son of the deceased employee and another to the wife of the deceased employee. Thus, it was a mistake committed by the respondents and rectification of such mistakes cannot be construed as invalid.”

Aggrieved by the same, this writ appeal has been filed.

3.The termination took place wayback in the year 2011. The writ petition also suffered dismissal. We are now in 2026. After lapse of 15 years, it may not be possible to revisit the issue on merits. It is in this view of the matter, we decline to interfere with the order of the learned Single Judge. It is however stated that the appellant was not paid any salary for the period when she had worked as Field Worker in the Health Department.

4.Article 23 of the Constitution of India clearly forbids extracting work without paying any salary. Since the appellant had worked as Field Worker in the Health Department, she was definitely entitled to be paid salary. We, therefore, direct the respondents to compute the dues payable



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to the appellant and pay the same at the rate of 6% from the date of entitlement (ie., from the date when the salary became due every month).

Such payment shall be made within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ appeal is disposed of with the aforesaid direction. No costs.

(G.R.S. J.) & (R.K.M. J.)
06.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Director of Public Health Service and Preventive Medicine Department, Chennai-6.
- 2.The Deputy Director of Public Health Service and Preventive Medicine Department, Thanjavur.
- 3.The Project Director, Filariasis and Malaria Department, District Head Government Hospital, Kumbakonam, Thanjavur District.
- 4.The District Treasury Officer, District Treasury, Thanjavur District.

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