



W.A(MD) No.2373 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.03.2026

CORAM

**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**W.A(MD)No.2373 of 2024
and
C.M.P(MD)No.16464 of 2024**

1.The Joint Director of School Education
(Personnel),
Chennai – 600 006.

2.The Chief Educational Officer,
Sivagangai,
Sivagangai District.

... Appellants /
Respondents

Vs

K.Saravanan

... Respondent /
Writ Petitioner

PRAYER :-

Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 26.04.2024 made in W.P(MD)No.26571 of 2022 by allowing the Writ Appeal.



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For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondent : Mr.N.Sathish Babu

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The Education Department has filed this intra-Court appeal challenging the order dated 26.04.2024 passed by the learned Single Judge allowing W.P(MD)No.26571 of 2022 filed by the respondent (writ petitioner) herein.

2.The writ petitioner's father Kanagasabhapathi was working as Junior Assistant in the Education Department. He passed away on 13.03.1966. The writ petitioner was a minor during the relevant time. He was appointed as Junior Assistant on compassionate grounds on 18.10.1989. The writ petitioner reached the age of superannuation on 31.10.2022. On the eve of his retirement, complaint was received by the department to the effect that the writ petitioner could not have been appointed on compassionate grounds as his mother was in government employment. It is well settled that compassionate appointment will not be



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given if a member of the family is already in government service. It is stated that the writ petitioner's mother Saroja was employed as secondary grade teacher in a government school. This was the cause of action for placing the writ petitioner under suspension on 25.10.2022. Charge memo was issued on 10.11.2022. The writ petitioner was also retained in service vide order dated 31.01.2022. Challenging the charge memo as well as the order retaining him in service, the writ petitioner filed W.P(MD)No.26571 of 2022. The writ petition was allowed and both the orders impugned in the said writ petition were quashed.

3.The question that calls for consideration is whether the order passed by the learned single Judge warrants interference.

4.The cause of action for placing the writ petitioner under suspension took place almost 33 years ago. We had a look at the charge memo as well as the enclosed annexures. The application for compassionate appointment submitted by the writ petitioner has not been enclosed. It appears that those documents are not presently traceable. The writ petitioner has come out with an explanation that his parents got



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separated and that he was all along brought up by his paternal grandmother and that he was not supported by his mother. It is well settled that if the applicant seeking compassionate appointment is not receiving any support from the member of the family who is already in government service, his application can very well be considered on merits. The explanation put forth by the writ petitioner appears to be quite plausible.

5.Be that as it may, there is no point in initiating disciplinary action against a Government employee in respect of a cause of action that arose 33 years ago. If a misconduct had been committed, action pertaining to such misconduct should be initiated within a reasonable period. Inordinate delay in initiating departmental action can be fatal at times. This is because of the sheer prejudice that will be caused to the employee in defending himself. In the case on hand, the writ petitioner had completed his entire service and it is at the very fag end, action has been initiated. There is a distinction between irregular entry and fraudulent entry. If the entry into service is fraudulent, the appointment itself can be termed as void. In such cases, delay in initiating action may be



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immaterial. But where the entry at best can be termed as irregular, different considerations would apply. The case of the writ petitioner is that he was eligible for being appointed on compassionate grounds. If the writ petitioner's explanation is accepted, his appointment is perfectly legal. It is futile to undertake the scrutiny of the circumstances in which the writ petitioner entered service at this point of time. The learned single judge granted relief only in view of the aforesaid aspects. We do not want to upset such an equitable order.

6.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [P.B.B, J.]
18.03.2026

NCC : Yes / No
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