



W.P.(MD) No.6821 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6821 of 2026

Vijayasridurga Devi

... Petitioner

-VS-

1.The State of Tamil Nadu
rep.by the Principal Secretary
to Government
Social Welfare and Women
Empowerment (SN4-2) Department
Chennai

2.The Director
Department of Public Libraries
Anna Slai, Mount Road
Chennai-600 002

3.The District Library Officer
O/o.The District Library Office
Tirunelveli-627 002
Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the order passed by the third respondent in his proceedings in Na.Ka.No.1724/A/2024 dated 14.10.2024 and the consequential order passed by the third respondent in his proceedings in Na.Ka.No.1724/A/2024 dated 11.08.2025 and quash the same as illegal and consequentially direct the respondent to appoint the petitioner in any suitable commensurate to her qualifications on compassionate ground within the period that may be stipulated by this Court.

For Petitioner : Ms.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.C.Jeganathan
Counsel for Government of Tamil Nadu

ORDER

The petitioner herein, who is aged 28 years, has made a claim for compassionate appointment consequent upon the death of her mother, on 07.04.2024, who served as a Village Librarian under the control of the third respondent on a special time scale of pay. As the claim of the petitioner was not being considered by the respondents, the petitioner, on an earlier occasion, approached this Court, by filing a writ petition in W.P.(MD) No.



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16556 of 2024 and a Coordinate Bench of this Court, *vide* order dated 23.07.2024, directed the respondents 2 & 3 herein to consider the claim of the petitioner herein.

2. Accordingly, the claim of the petitioner was considered and an order was passed by the third respondent *vide* proceedings bearing Na.Ka.No. 1724/A/2024, dated 14.10.2024, rejecting the claim of the petitioner for compassionate appointment, on the ground that the mother of the petitioner was only employed on a special time scale of pay, but not a regular employee and therefore, in terms of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 (in short, “the Rules, 2023”), the petitioner is not entitled for compassionate appointment. Aggrieved by the said proceedings dated 14.10.2024, issued by the third respondent, the petitioner approached this Court once again by filing a writ petition in W.P. (MD) No.27400 of 2024 and in the said writ petition, the petitioner restricted the relief only to the extent of considering the representation dated 24.06.2024 said to have been submitted by her and therefore, this Court, *vide* order dated 30.06.2025, had not gone into the validity or otherwise of the said proceedings dated 14.10.2024 issued by the third respondent and directed the second respondent herein to consider the representation dated 24.06.2024 submitted



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3. It was pursuant to the said order dated 30.06.2025, the representation of the petitioner was considered and accordingly, the third respondent issued the proceedings bearing Na.Ka.No.1724/A/2024 dated 11.08.2025, once again rejecting the claim of the petitioner for compassionate appointment on similar grounds. It is aggrieved by the said proceedings dated 11.08.2025, the petitioner is before this Court by filing the present writ petition.

4. The petitioner has not chosen to challenge the earlier proceedings dated 14.10.2024 issued by the third respondent, whereby her claim was rejected. The said proceedings has attained finality. As the petitioner herself has withdrawn the challenge to the said proceedings by restricting the relief in W.P.(MD) No.27400 of 2024 only to the extent of considering the representation dated 24.06.2024 said to have been submitted by her, on this ground alone, the challenge to the impugned proceedings herein is liable to be rejected.

5. Be that as it may, learned counsel for the petitioner contended that the mother of the petitioner has an accrued right to claim for



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regularization of her services as Librarian Grade-II by virtue of the orders passed by this Court in W.P.(MD) No.12595 of 2011, dated 22.08.2013, as confirmed by the learned Division Bench of this Court in W.A.(MD) No.638 of 2014 *vide* Judgment dated 22.12.2016. But, the respondents, instead of regularizing the services of the mother of the petitioner, have failed to comply with the orders passed by this Court and also contended that the services of several other juniors of the petitioner's mother have been regularized and thus, it is contended that the mother of the petitioner is to be treated as a regular employee and thereby, entitling the petitioner to sustain her claim for compassionate appointment. In support of the said contention, learned counsel for the petitioner also placed reliance on a decision of a learned Division Bench of this Court in **W.A.(MD) No.1077 of 2022**, dated 19.09.2024 in *V.Balamurugan vs. The District Collector, Dindigul District, Dindigul and others*.

6. The respondents filed a counter-affidavit contending that in terms of the Rules, 2023, a person, who is appointed to a post carrying a special time scale of pay and who is not placed on a regular time scale of pay, will not come within the definition of "Government servant", as defined under the Rules, 2023, thereby excluding such employees from the benefit of the



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Compassionate Appointment Scheme. As the mother of the petitioner herein is stated to be an employee working on a special time scale of pay, she cannot be treated as a government servant and therefore, the petitioner is not entitled to make any claim for compassionate appointment under the Rules, 2023. It is also contended that the rank of the petitioner's mother in the seniority list of Village Librarian is 1464 and there is no scope for appointment of the petitioner's mother as Librarian Grade-II in the near future and therefore, the entire basis for the petitioner to make a claim for compassionate appointment by treating her mother as a regular employee is not available.

7. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

8. The claim of the petitioner for compassionate appointment consequent upon the death of her mother on 07.04.2024 is required to be considered by the respondents only in terms of the Rules, 2023, issued by the Government *vide* G.O.(Ms.) No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023. If the petitioner fits into the said Scheme, she can make a claim for compassionate appointment. A perusal of the said Scheme would disclose that the definition of “family”, as provided under the



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Rules, 2023, would take into its purview the dependant daughter of the deceased government servant. In the entire affidavit filed in support of this writ petition, there is no averment that the petitioner is a dependant of her deceased mother. The petitioner has not chosen to disclose the occupation of her husband nor about her marriage particulars. This Court, having taken note of the same, required the petitioner to file an additional affidavit disclosing the avocation of her husband.

9. Accordingly, the petitioner has filed a rejoinder-affidavit disclosing the fact that the father of the petitioner has retired from service as a Postal Assistant in Group 'C' and has been drawing pension of approximately Rs.16,080/-. She has also stated that she is residing with her husband, who is employed as a daily wage worker in a restaurant and earning approximately Rs.300/- per day. Further, it is stated that the petitioner is having two minor children, aged 9 years and 3 years respectively and her family is facing severe financial hardship.

10. Except stating the above, there is no averment stating that the petitioner is a dependant of her deceased mother financially or otherwise. Except making a vague averment in the affidavit filed in support of this writ



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petition saying that her mother is the sole breadwinner of her family, absolutely, there is no material placed either before the respondents or this Court to show that the petitioner is a dependant of her deceased mother. As already noted above, the Scheme of Compassionate Appointment is available to the dependant family members only. As there is no averment stating that the petitioner is the dependant of her deceased mother, the claim of the petitioner for compassionate appointment under the Rules, 2023, is wholly unsustainable.

11. Then, coming to decision relied upon by the learned counsel for the petitioner in **W.A.(MD) No.1077 of 2022** is concerned, a perusal of the said decision would show that the learned Division Bench of this Court, having examined the facts of the said case and having verified the Service Register of the deceased employee therein, found that there was nothing to indicate that the deceased employee therein was employed in a temporary post and that he has been working for 26 years till the date of his demise and came to the conclusion that merely because an employee is placed under a special time scale of pay with an intention to regularize his services as a regular employee, then, that individual will be entitled to the benefits available to the regular employees. In the said case, the learned Division Bench was



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considering the Scheme for Compassionate Appointment then in force issued under G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020. Whereas, in the instant case, the claim of the petitioner has been considered under a different Scheme introduced under G.O.(Ms.) No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, whereby the employee working under a special time scale of pay was specifically excluded from the definition of “government servant”. Admittedly, compassionate appointment is available only to the government servants. Thus, the reliance placed by the learned counsel for the petitioner on a decision of the learned Division Bench of this Court, referred to above, is of no aid to the case of the petitioner.

12. Compassionate appointment itself is an exception to Articles 14 and 16 of the Constitution of India. The Scheme of Compassionate Appointment is meant only to meet the immediate contingency or hardship that would be faced by the dependant family members due to the untimely death of a government servant.

13. In the instant case, admittedly, the father of the petitioner has been drawing pension from the Postal Department and her husband is also



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gainfully employed and there is no material placed before this Court to treat the petitioner as a dependant of the deceased government servant. As the compassionate appointment cannot be claimed as a matter of right and in the light of the discussion above, this Court is of the considered view that there is no error or illegality in the impugned proceedings issued by the third respondent and also does not find any right for the petitioner to even make a claim for compassionate appointment.

14. Accordingly, this writ petition is dismissed. No costs.

10.07.2026

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

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To:

- 1.The Principal Secretary to Government,
Social Welfare and Women
Empowerment (SN4-2) Department,
State of Tamil Nadu, Chennai.
- 2.The Director,
Department of Public Libraries,
Anna Slai, Mount Road, Chennai-600 002.
- 3.The District Library Officer,



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O/o.The District Library Office,
Tirunelveli-627 002, Tirunelveli District.



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MUMMINENI SUDHEER KUMAR, J.

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