



W.A.NO.1260 OF 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

W.A.NO.1260 OF 2023

Sarath Kumar

... Appellant

Vs.

1.The Chairman
TANGEDCO
No.144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel)
TANGEDCO
No.144, Anna Salai,
Chennai – 600 002.

3.The Superintending Engineer
Kancheepuram Electricity Distribution Circle
TANGEDCO
Kancheepuram District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 24.03.2022 passed in W.P.No.6728 of 2022.

For Appellant : Ms.R.Divya
for Mr.B.Manoharan

For Respondents : Mr.Sheik Thaveer Ahamed
for Mr.K.Rajkumar



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J U D G M E N T

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(Judgment of the Court was made by S.M.Subramaniam, J.)

The writ order dated 24.03.2022 passed in W.P.No.6728 of 2022 is under challenge in the present intra court appeal. The writ petitioner is the appellant before this Court.

2.The father of the writ petitioner Late. Selvam, served in the respondent – Board and died on 16.02.2013, while he was in service. At the time of death of the employee, the appellant was aged about 13 years. He submitted an application seeking appointment on compassionate ground on 03.11.2014. The said application was rejected vide order dated 12.01.2015 on the ground that the appellant was a minor. Again, after a lapse of four years and on attaining the age of majority, the appellant submitted another application dated 14.10.2019 seeking appointment on compassionate ground and the said application was also rejected on the ground that it was not submitted within the stipulated period of three years from the date of death of the deceased employee.



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3.The period of three years is reckoned from the date of death of the deceased employee. Therefore, an eligible legal heir of the deceased employee may submit an application for compassionate appointment within a period of three years from the date of the death of the deceased employee. Second application made by the same legal heir, beyond the period of three years, is inadmissible under the terms and conditions of the scheme. That apart, the appellant submitted an application after a lapse of six years from the date of death of his father and thus, this Court does not find any reason to interfere with the order impugned in the present appeal.

4.Pertinently, seeking appointment on compassionate ground is a concession and not an absolute right. The scheme is to be implemented strictly in accordance with the terms and conditions stipulated. If at all an eligible legal heir of the deceased employee submits an application within a period of three years from the date of the employee's death, such application shall be considered strictly in accordance with the eligibility criteria prescribed under the compassionate appointment scheme. Indigent circumstances are



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required to be established not merely by producing a Certificate issued by the Tahsildar, but based on the factual aspects. The Authorities Competent are bound to verify the indigent circumstances, since appointment on compassionate grounds, are provided only to the deserving families.

5.Appointment on compassionate grounds is violative of Articles 14 and 16 of the Constitution of India, since there is no assessment of merit or rule of reservation followed. In the present case, the writ Court considered the scope of the scheme and dismissed the writ petition. This Court does not find any infirmity in the writ order. Consequently, the writ appeal stands dismissed. However, there shall be no order as to costs.

[S.M.S., J.]

[N.S., J.]

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes / No
TK



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