



W.P.No.28756 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 29.06.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.28756 of 2019

Sulochana,
D/o. Late Shri. Palanivel,
163, Ayyanar Koil Street,
Chemmaganur, Ulundurpet Taluk
and Villupuram District.

... Petitioner

vs

1. The Chairman,
The Tamil Nadu Generation and
Distribution Corporation,
TANGEDCO, Anna Salai,
Chennai – 2.
2. The Chief Engineer Personnel,
TANGEDCO, Anna Salai,
Chennai – 2.
3. The Superintending Engineer,
VEDC, TANGEDCO,
Villupuram District.
4. The Superintending Engineer,
VEDC, TANGEDCO, Kallakurichi District.
(R4 impleaded vide order dated 16.12.2025
made in WMP.No.46960/2025 in
W.P.No.28756/2019)

... Respondents



W.P.No.28756 of 2019

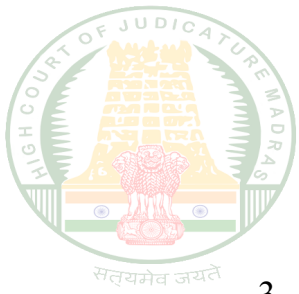
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in Ka.No.3547/115/NeP2/NeU5/Koo.Va.V/2018 dated 07.09.2018 by third respondents and quash the same and consequently to direct the respondents to provide job assistance on compassionate ground within the time fixed by this Court.

For Petitioner : Mr.R.Manoharan
For Respondents : Mr.C.Manoharan
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents and perused the records.

2. The petitioner by the present writ petition has assailed the action of the fourth respondent by which her application dated 23.08.2013 for being provided with employment on compassionate ground has been rejected, as being illegal, arbitrary and against the basic object of taking care of destitute families.

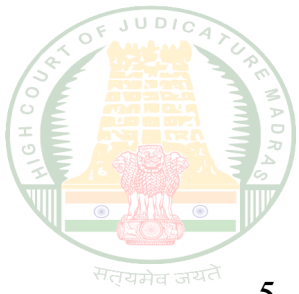


W.P.No.28756 of 2019

WEB COPY

3. The case of the petitioner in brief is that her father had deceased on 30.09.2009 while in employment with the respondents; that he was aged 38 years when he had deceased; that her father is survived, his wife who was aged about 36 years at the relevant point of time, the petitioner herself who was aged about 16 years and her sister who was aged about 14 years; that she was a student at the time of her father's death; that on 07.05.2012, while settling the death-cum-terminal benefits due to her father, the respondents had orally informed her to complete her education and they would consider her request for job assistance either to her or her mother; that based on the said advice of the respondent officials, she had completed her education and within three years from the date of attaining the age of majority made an application on 23.08.2013 for being provided with employment on compassionate ground.

4. It is the further case of the petitioner that she submitted an application on 23.08.2013, for being appointed on compassionate ground; that the said application was forwarded to Executive Engineer, who conducted an enquiry as early as January 2014 and submitted his enquiry report on 20.01.2014.



W.P.No.28756 of 2019

WEB COPY

5. Petitioner further contended that despite the respondents conducting the enquiry in relation to the provision of employment on compassionate ground, nothing was heard from the respondents, she submitted repeated requests both in person and also in writing; that she had filed an application under RTI Act on 14.10.2016 seeking information on her application in relation to compassionate appointment; that in response to the aforesaid application under RTI Act, the Senior Personnel Officer-Cum-Public Information Officer informed her that her application cannot be considered for the reason that the same is made belatedly; and that till the issuance of the aforesaid reply, she has not been informed of her request for compassionate appointment having been rejected or she was not eligible to be considered.

6. Petitioner also contended that as per the respondents' board proceedings B.P.No.9 dated 09.10.2015, the claim for compassionate appointment shall be considered for the child of a deceased employee, who had made an application after attaining the age of majority; that on the respondents issuing board proceedings, she submitted a detailed representation once again on 27.07.2018; and that the respondents without considering the board proceedings in correct



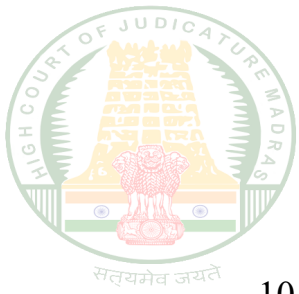
perspective had rejected her representation by the impugned proceedings. Hence, this writ petition.

7. In support of the contentions, the petitioner has placed reliance on the following decision of the Division Bench of this Court:

- (i) W.A.No.1400 of 2011 dated 16.12.2015
- (ii) W.A.No.44 of 2016 dated 20.10.2016

8. Counter affidavit on behalf of the respondents (4th respondent) is filed.

9. The respondents by the counter affidavit while denying the writ averments contended that as per memo No.019991/127/G9/G92/2013-1 dated 06.03.2013, the applicant should apply for compassionate appointment within three years from the date of death of the respondents' employee; that the applicant should have completed 18 years of age at the time of submission of application; and that the applicant should possess the minimum educational qualification of having passed 8th Standard.

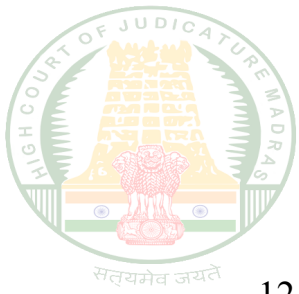


W.P.No.28756 of 2019

WEB COPY

10. The respondents by the counter affidavit further contended that the petitioner's father died in harness on 30.09.2009; and that the petitioner submitted an application to the third respondent seeking compassionate appointment for the first time only on 23.08.2013, much beyond the period of three years specified in the memo issued by the board relating to compassionate appointment.

11. The respondents by the counter affidavit further contended that the petitioner thereafter submitted an application/petition under the RTI Act dated 14.10.2016 and sought for being furnished with particulars relating to her compassionate appointment; that the respondents by letter dated 01.12.2016 informed that her application cannot be considered as having been submitted belatedly ie., beyond three years; that the petitioner thereafter once again made another representation on 27.07.2018; and that the said representation was rejected by the impugned proceedings stating therein that her application/representation cannot be considered as she did not apply for being appointed on compassionate ground within three years from the date of death of her father.



W.P.No.28756 of 2019

WEB COPY

12. The respondents further contended that the cut off date of three years for the petitioner to submit application seeking compassionate appointment as per the scheme would be 30.09.2012; that before the cut off date, not only the petitioner should have completed the age of 18 years but also possess educational qualification of 8th Standard for being eligible to be considered for compassionate appointment as per the scheme; and that as the petitioner admittedly applied beyond the prescribed period, she is not entitled for being granted employment on compassionate grounds.

13. Contending as above, the respondents have placed reliance on the decision of the Division Bench of this Court in W.A(MD).No.329 of 2015 dated 22.04.2016 and Full Bench of this Court in W.P.(MD).No.7016 of 2011 dated 11.03.2020.

14. I have taken note of the respective contentions as urged.

15. At the outset, it is to be noted that the compassionate appointment is not a matter of right but is intended to enable the family to tide over the immediate



W.P.No.28756 of 2019

crises which may result from the death of the employee who is a breadwinner for the family as held by the Hon'ble Supreme Court in the case of ***Union of India Vs. Amrita Sinha - (2021) 20 SCC 694***. Further, it is equally settled position of law

that the claim for being appointed on compassionate grounds is to be decided only on the basis of the relevant scheme prevalent on the date of demise of the employee and subsequent scheme cannot be looked into. ***[See: Indian Bank and others Vs. Promila and another - 2020 2 SCC 729]***

16. The aforesaid principle, of the scheme applicable on the date of death of employee is to be looked into and not subsequent modification has been approved by the Constitution Bench of three Judges of Hon'ble Apex Court in ***State of Madhya Pradesh and others Vs. Amrit Shrivastava - (2020) 10 SCC 496***.

17. Having regard to the law laid down by the Hon'ble Apex Court as noted herein above, the scheme for considering the claim of the petitioner for compassionate appointment would be the one which is in force on the date of death of her father i.e., 30.09.2009. If the scheme of the respondents which is in force on the said date is taken into consideration, it required the application for compassionate appointment to be submitted within three years from the date of



W.P.No.28756 of 2019

death of the employee and also required applicant seeking compassionate appointment to be aged about 18 years with a minimum educational qualification of 8th Standard. Admittedly, the petitioner did not meet the criteria of being 18 years of age for her to make a claim for compassionate appointment. It is only after expiry of three years from the date of death of her father, the petitioner had attained the age of majority i.e., 18 years and became eligible to apply to the respondents seeking compassionate appointment. Though, the petitioner had claimed of her mother having made a request to the respondents to provide compassionate appointment, and the respondents not providing compassionate appointment either to the petitioner or her mother and only orally informed her that her request would be considered after she attained the age of majority i.e., 18 years, firstly no material is placed before this Court to substantiate the aforesaid claim made by the petitioner. Further, if only the petitioner's mother had the required educational qualification of having passed 8th Standard, she would have been eligible for being provided with compassionate appointment if she had applied within three years of demise of her husband. The fact that the petitioners having not placed any material before this Court of her mother having made an application in time and the same not having been considered by the respondent, the said plea cannot be considered. On the other hand, the claim of the petitioner that she being orally informed to



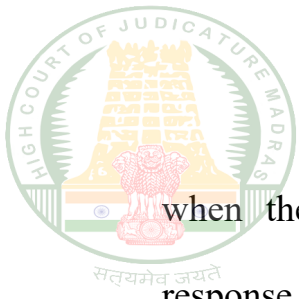
W.P.No.28756 of 2019

submit the application on attaining the age of majority and that she having submitted her application/representation within three years on attaining the age of majority is to be considered as a self-serving statement for the purpose of this writ petition.

18. The fact that the petitioner was a minor on the date of demise of her father, even accepting this statement of the petitioner, would make the said promise unenforceable in law and void ab-initio.

19. Insofar as reliance placed by the petitioner on the decision of the Division Bench of this Court is concerned, in view of the subsequent decision of the Hon'ble Apex Court as noted herein above, being the law declared by the Hon'ble Apex Court binds this Court under Article 142 of the Constitution of India.

20. Further, it would also not be out of place to note that the petitioner became aware of her application for compassionate appointment had not been considered on the ground of the same was submitted beyond the period of three years after her father's death and as such, she is not eligible for consideration,



W.P.No.28756 of 2019

when the respondents furnished information *vide* reply dated 01.12.2016 in response to her application/representation dated 14.10.2016 under the RTI Act.

WEB COPY

Thus, the petitioner, if at all, is aggrieved by non-consideration of her application, should have assailed the action of the respondents on being furnished the information under RTI Act.

21. The petitioner however did not take any action immediately thereafter. On the other hand, after about 1 ½ years, submitted another representation on 27.07.2018 seeking consideration of her application for compassionate appointment and on the respondents issuing impugned proceedings, approached this Court by the present writ petition, which action cannot be considered as the petitioner diligently pursuing her claim made in accordance with the scheme.

22. Thus, considered from any angle, the present writ petition is devoid of merit and is dismissed. No order as to costs.

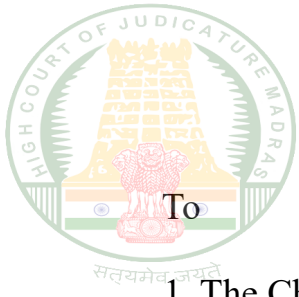
29.06.2026

Speaking order / Non-speaking order

Index : Yes / No

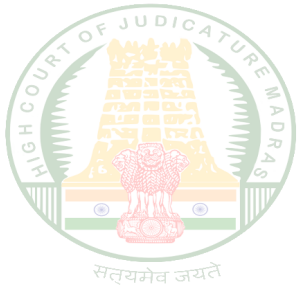
Neutral Citation : Yes / No

dh



W.P.No.28756 of 2019

1. The Chairman,
The Tamil Nadu Generation and
Distribution Corporation,
TANGEDCO, Anna Salai,
Chennai – 2.
2. The Chief Engineer Personnel,
TANGEDCO, Anna Salai,
Chennai – 2.
3. The Superintending Engineer,
VEDC, TANGEDCO,
Villupuram District.
4. The Superintending Engineer,
VEDC, TANGEDCO,
Kallakurichi District.



WEB COPY



W.P.No.28756 of 2019

T. VINOD KUMAR, J.

dh

W.P.No.28756 of 2019

29.06.2026