

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.3241 of 2014

S.PRAKASAM

[PETITIONER]

Vs

- 1 THE CHIEF ENGINEER (RECRUITMENT)
TANGEDCO.
NO.144, ANNA SALAI
CHENNAI-2
- 2 THE SUPERINTENDING ENGINEER
TANGEDCO.
VELLORE ELECTRICITY DISTRIBUTION DIVISION
GANDHI NAGAR, VELLORE 632 006

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records relating to the Impugned order of the 2nd respondent dated 26.8.2013 made in letter No.570/Nipi3/E.Ni.U/Ko. Varisu Velai/2013 and to quash the same and consequently direct the respondents to consider the petitioner on compassionate appointment for the death of his father A.Sekar (Wireman) who died on 1.11.1998 during the course of employment and to appoint the petitioner in their services for a suitable post.

For Petitioner : Mr.G.Vinodh Kumar
For Respondents : Mr.M.Fakkir Mohideen

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O R D E R

This Writ Petition is directed against the order dated 26.08.2013, whereby and whereunder the second respondent rejected the application for compassionate appointment on the ground that as on the date on which application was made for compassionate appointment, the petitioner was a minor and that the earlier application submitted by his mother was rejected.

2. The father of the petitioner by name Thiru Sekar was employed as a Wireman in Tamil Nadu Electricity Board. While in service, he died on 1.11.1998, leaving the petitioner, his mother, sister and grandmother. The mother of the petitioner filed an application for compassionate appointment on 25.01.2000. Since she was not having the required qualification, the application was rejected by the second respondent by proceedings dated 25.01.2000. Thereafter, the petitioner made an application on 29.3.2004 requesting the second respondent to consider his case for compassionate appointment. The said application was not considered. The petitioner in the mean time attained majority and thereafter made a fresh application on 20.6.2006. Since there was no follow up action taken by the respondents, a representation was submitted by the petitioner on 13.07.2013. The said representation was rejected. Being aggrieved by this, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for TANGEDCO.

4. There is no dispute that immediately after the death of the petitioner's father, the mother of the petitioner has made an application for compassionate appointment. Since the family was in indigent circumstances, the mother on behalf of the family made the application within a period of three years. The application was submitted as early as 25.01.2000. It is true that the said application was returned on the ground that the mother was not having the qualification for appointment. It is also a matter of record that the petitioner made an application initially on 29.3.2004. The petitioner immediately after attaining majority made a fresh application on 20.6.2006. It was only on account of the inaction on the part of the respondents, the petitioner was made to submit a representation on 13.07.2013. The second respondent has invented a reason that as on the date on which the application was made, the petitioner was a minor and that the earlier application was returned. None of the two grounds is valid to reject his request. The application submitted by the petitioner at a later point of time should be considered along with the application submitted by the mother on 25.01.2000. It is not as if the mother of the petitioner has not made an application within the cut off period. Her application was returned by TANGEDCO on the ground that she studied only VIII Standard and as such it is not possible to give her compassionate appointment. Such being the position, the second respondent was not correct in rejecting the application. I am therefore of the view that the petitioner is entitled to succeed.

5. In the result, the impugned order is set aside and the matter is remitted to the second respondent for fresh consideration. The second respondent is directed to consider the application for compassionate appointment, in the light of the earlier application submitted by the mother, within a period of three years. Such

exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. In the upshot, I allow the Writ Petition. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1 THE CHIEF ENGINEER (RECRUITMENT)
TANGEDCO.
NO.144, ANNA SALAI
CHENNAI-2

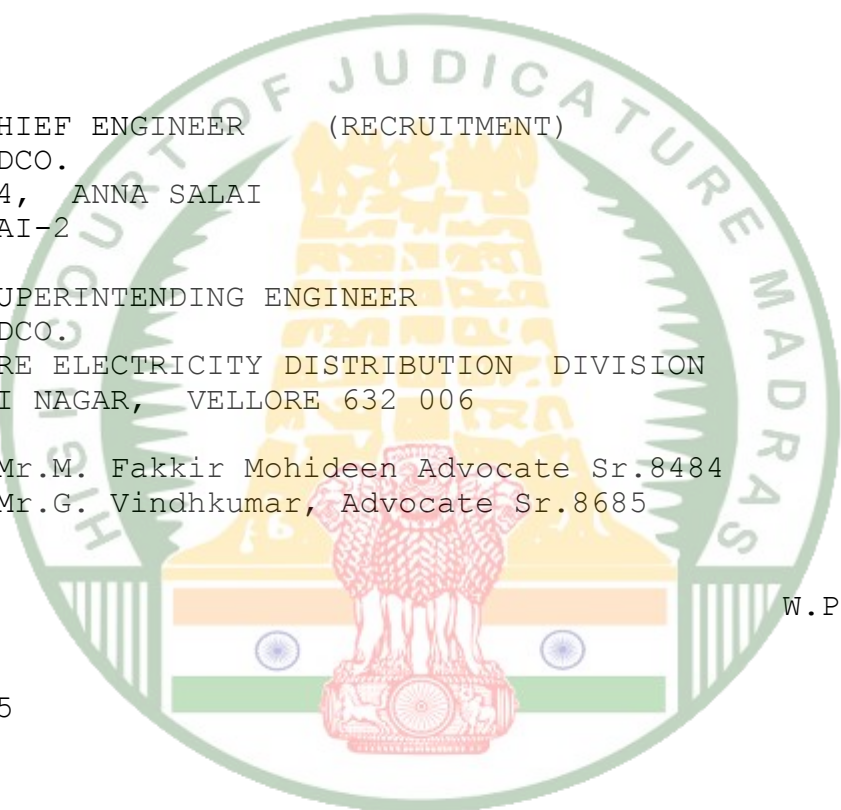
2 THE SUPERINTENDING ENGINEER
TANGEDCO.
VELLORE ELECTRICITY DISTRIBUTION DIVISION
GANDHI NAGAR, VELLORE 632 006

+ 1 cc to Mr.M. Fakkir Mohideen Advocate Sr.8484

+ 1 cc to Mr.G. Vindhkumar, Advocate Sr.8685

W.P.No.3241 of 2014

MSM(CO)
Eu 06.03.15



सत्यमेव जयते

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