

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2015

CORAM

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.28519 of 2014
and
M.P.No.1 of 2014

M.Manikandan

... Petitioner

vs.

1. The Superintending Engineer,
Coimbatore Electricity Distribution Circle
(Metro),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Coimbatore-12

2. The Chiefe Engineer(Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Annasalai,
Chennai-600 002

3. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Annasalai,
Chennai-600 002

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection in Letter No.08160/243/Ni.Pi.3(1)/Koppu.Varisu Velai/2008 dated 1.08.2008 on the file of the first respondent and to quash the same and direct the respondents to provide suitable employment to the petitioner under compassionate appointment.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.P.R.Dilipkumar

ORDER

The application submitted by the petitioner for compassionate appointment was rejected on the ground that it was not preferred within a period of three years from the date on which the employee died.

2. The petitioner is the legal representative of Thiru P.Mathiazhagan, who worked as Wireman in Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO). The father of the petitioner died while in service on 13.5.2004. He is survived by the petitioner and three of his sisters. The mother of the petitioner pre-deceased his father. The petitioner initially submitted an application for compassionate appointment on 25.9.2006. The said application was returned by order dated 24.11.2006 on the ground that he has not completed 18 years. Thereafter, the petitioner submitted another application, after attaining majority. The said application is now rejected on the ground that he has not made an application within a period of three years.

3. Heard the learned counsel for the petitioner. The names of the respondents are printed in the cause list, as they have not entered appearance through counsel.

4. The petitioner earlier made an application for compassionate appointment on 25.09.2006. The reply given by the Additional Chief Engineer, dated 24.11.2006, indicating that the petitioner has made an application for compassionate appointment on 25.09.2006. The application was initially returned on the ground that the petitioner has not attained majority. The petitioner, after attaining majority, submitted another application, which should be treated as continuation of the earlier application dated 25.09.2006. However, the first respondent, without reference to the earlier application dated 25.09.2006, which was submitted within a period of three years from the date on which his father died, rejected the application.

5. The application submitted by the petitioner, after attaining majority, should be considered in the light of the earlier application dated 25.09.2006, which was made within a period of three years. I am therefore of the view that the impugned order is liable to be set aside.

6. In the result, the impugned order dated 01.08.2008 is set aside. The matter is remitted to the first respondent for fresh

consideration. The first respondent is directed to consider the application submitted by the petitioner for compassionate appointment in the light of the earlier application dated 25.09.2006 and taking into account the proceedings, dated 24.11.2006, on the file of Additional Chief Engineer. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. The writ petition is allowed as indicated above. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

msk

Sub Assistant Registrar

To

1. The Superintending Engineer,
Coimbatore Electricity Distribution Circle
(Metro),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Coimbatore-12
2. The Chief Engineer(Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Annasalai,
Chennai-600 002
3. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Annasalai,
Chennai-600 002

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.13832

JSV(CO)
CA(18/03/2015)

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