

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20316 of 2014

A.Ramachandran

..Petitioner

Vs.

- 1.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai 2.
- 2.The Superintending Engineer (P&A)
Mettur Thermal Power Station
Mettur Dam-6.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned orders passed by the second respondent in Lr.No.26798/407/Ni.Pi.3(4)/Ko.Va.Ve/2013, dated 26.11.2013 and quash the same and direct the respondents to provide suitable employment to the petitioner on compassionate ground.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.P.R.Dhilipkumar

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ORDER

The order of rejection dated 26.11.2013, passed by the second respondent in respect of the claim for compassionate appointment of the writ petitioner, is sought to be challenged in this writ petition.

2.The learned counsel appearing for the writ petitioner submitted that the father of the writ petitioner was working as Helper in the Coal Handling Plant-1, Mettur Thermal Power Station and passed away due to sudden heart attack on 14.06.2010, at the age of 44 years. Due to the sudden demise of the father of the writ petitioner, the family was in indigent circumstances, since the deceased employee was the sole breadwinner of the family. Accordingly, the Application seeking compassionate appointment was filed on 13.06.2013, by the mother of the writ petitioner to provide appointment to the writ petitioner and the same was rejected by the second respondent in his proceedings dated 26.11.2013, on the ground that the Application seeking for appointment on compassionate ground was submitted on 13.06.2013 and on the date of the Application, the writ petitioner has not attained the age of majority.

3.However, the learned counsel appearing for the writ petitioner made a submission that the writ petitioner attained the age of majority on 14.07.2013 and since there is shortfall of one month for attaining the age of majority which is meagre in nature, the respondents ought to have considered the case of the writ petitioner, on merits and in accordance with law, for appointment on compassionate grounds.

4.Though the order of rejection was technically correct in accordance with the Government Order, in the matter of compassionate appointment, such a technical aspect more specifically, the difference of one month in attaining the age of majority can be condoned in order to mitigate the circumstances arising in the family on account of the sudden demise of the deceased employee. Therefore, this Court is of the opinion that it is a fit case to show compassion in respect of the claim of the writ petitioner for compassionate appointment.

5.The only reason for rejection in this case is that the writ petitioner had attained the age of majority only on 14.07.2013, but, the Application was submitted by the mother of the writ petitioner on

13.06.2013, one month prior to the date of attaining the age of majority. Thus, this Court is of the view that such a technical reason is unacceptable, in view of the fact that the father of the writ petitioner was the sole breadwinner of the family and it is a fit case where the respondents have to consider case of the writ petitioner on merits and in accordance with law and by considering the other eligibility criterions, for appointing the writ petitioner on compassionate ground.

6. Accordingly, the Writ Petition stands allowed and the impugned order passed by the second respondent in Letter No.26798/407/Ni.Pi.3(4)/Ko.Va.Ve/2013, dated 26.11.2013, is quashed. The respondents are directed to re-consider the case of the writ petitioner for appointment on compassionate grounds and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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To

- 1.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai 2.
- 2.The Superintending Engineer (P&A)
Mettur Thermal Power Station
Mettur Dam-6.

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S.M.SUBRAMANIAM, J.,

rpa



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