

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.9481 of 2011

K.Rajagopal

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personal)
Administrative Branch,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
Administrative Branch,
Mettur Electricity Distribution Circle,
TNEB Mettur Dam-1,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in Ka.No.3962/603/NP1 (3) per/2010 dated 31.05.2010 and quash the same and direct the respondent to give appointment to the petitioner on compassionate ground.

For Petitioner : Ms.P.Srividhya

For Respondents : Mr.P.R.Dhilipkumar

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O R D E R

Heard Ms.P.Srividhya, learned counsel for the petitioner and Mr.P.R.Dhilipkumar, learned counsel appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief,

"To issue a writ of Certiorarified Mandamus, to

call for the records of the 3rd respondent in Ka.No.3962/603/NP1 (3) per/2010 dated 31.05.2010 and quash the same and direct the respondent to give appointment to the petitioner on compassionate ground."

3. The case of the petitioner is as follows:-

The petitioner's father was employed as Lineman in the respondent Board. While in service, the petitioner's father died on 01.09.1987, leaving behind four children and his wife. At the time of the death of his father, the petitioner was only 15 years old. According to the petitioner, his mother made a representation in the year 1988 itself to give employment to the petitioner on compassionate ground. However, the said application could not be considered for the reason that the petitioner had not attained the age of majority.

4. Subsequently, after attaining the age of majority, the petitioner had applied on 04.08.1995. At the time of the second application, the petitioner was only 23 years old. However, the same came to be rejected on the ground that the petitioner did not have minimum qualification for consideration for appointment on compassionate ground. According to the rejection order, the petitioner had studied upto only 4th standard and he did not have the minimum qualification of 8th standard for consideration.

5. After acquiring the minimum qualification, the petitioner once again applied for consideration on 11.08.2000 and the same was once again rejected on 07.05.2001, stating that the petitioner ought to have passed 8th standard examination within three years from the date of death of his father. Having aggrieved by the rejection order, the petitioner is before this Court in the above said writ petition. At the time when the writ petition was filed, the petitioner was 38 years old.

6. Upon notice, learned counsel appearing for the respondents entered appearance and filed a detailed counter affidavit. In the counter affidavit, the reasons said forth was reiterated more elaborately.

7. After consideration of the rival pleadings and arguments, it is seen that the petitioner's father died 30 years before and the application for consideration on compassionate ground has been repeatedly rejected over the years. It also appears that the petitioner had casually approached this Court only in the year 2011 and at that time, he was admittedly 38 years old. The scheme of compassionate appointment is only to render immediate assistance to the family of the deceased and the scheme cannot be open ended for consideration for indefinite period of time that too after a period of 25 years.

8. In the instant case, the petitioner's rejection order was

in the year 2001 and thereafter, in 2011, the writ petition came to be filed. A repeated representation which elicited response from the respondent Board, cannot extend the period of limitation as provided for in the scheme for compassionate appointment. Although, the present rejection order in Ka.No.3962/603/NP1 (3) per/2010 dated 31.05.2010, yet the fact remains that originally it was rejected in 1995 and 2001.

9. In the above circumstances, this Court does not find any merits in the present writ petition and therefore, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
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800, Anna Salai,
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- 3.The Superintending Engineer,
Administrative Branch,
Mettur Electricity Distribution Circle,
TNEB Mettur Dam-1,
Salem District.

+1cc to Mr.Dilip Kumar, Advocate SR.No.1571
+1cc to Mr.Srividya, Advocate SR.No.1808

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MG(CO)
GN(17/02/2018)