



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 06.03.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) .No.307 of 2018

A.Aribaskaran

.. Appellant /Writ Petitioner

Vs.

1. The Chief Engineer/Personnal,
Tamil Nadu Electricity Board,
No.600, Anna Salai,
Chennai-2.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Virudhunagar Electricity Distribution Circle,
Ramamoorthy Salai,
Virudhunagar.

... Respondents /Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD).No.10689 of 2010 dated 08.01.2018.

Prayer in WP(MD). 10689/ 2010 :

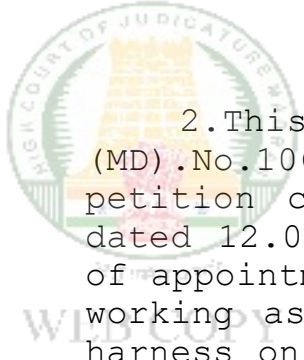
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court may be pleased to issue a Writ or Order or Direction in the nature of Writ, very particularly WRIT OF CERTIORARIFIED MANDAMUS, to call for the records in purusant to the impugned proceedings of the 2nd Respondent in K.No. 010423/ 0182 /Ni.B.2/Asst.2/2010 dated 12.7.2010 and quash the same and consequently direct the Respondents to appoint the petitioner in any suitable post in the service of the Tamil Nadu Electricity Board on Compassionate ground.

For Appellant : Mr.T.Lajapathi Roy
For Respondents : Mr.Kasinatha Durai

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.Kasinatha Durai, learned Standing counsel appearing for the respondents.



2. This appeal is directed against the order passed in W.P. (MD).No.10689 of 2010 dated 08.01.2018. The appellant filed writ petition challenging the order passed by the second respondent, dated 12.07.2012 rejecting the petitioner's application for grant of appointment on compassionate ground. The appellant's father was working as an Assessor in the respondent Department and died in harness on 17.06.2001. The appellant's mother filed an application on 20.09.2001 seeking appointment on compassionate ground for herself or for her son, who is the appellant herein. However, the question of considering the case of the appellant did not arise because, he was only 9 years at that point of time. The appellant's mother was found to be not qualified to be appointed as she did not possess the minimum qualification stipulated under the Service Regulation of the Respondent Board. The appellant's mother did not challenge the rejection of her application for compassionate appointment for herself. The matter was left to lie over and the appellant approached this Court by challenging the proceedings, dated 12.07.2010 wherein, the respondent has clearly stated that the persons, who are seeking compassionate appointment should have completed 18 years of age within three years of demise of the Government employee. Unfortunately, the appellant did not fulfill the said condition. The writ Court after elaborately considering the factual position and took note of the decision of the Hon'ble Supreme Court on the said issue and in particular with regard to the decisions which arises out of claim for compassionate ground in the Electricity Board and held that the scope of compassionate appointment is to be restricted to the terms and conditions of the scheme and cannot be considered by this Court so as to provide appointment on compassionate ground. Further, this aspect is also vital factor as the scheme of compassionate appointment cannot be operated after a reasonable period.

3. Thus, we find that no reason to interfere with the order passed by the writ Court for rejecting the relief sought for by the appellant and the same is justified and proper and calls for no interference. For the above reasons, the writ appeal fails and stands dismissed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer/Personnal,
Tamil Nadu Electricity Board,
Accounts Section, Anna Salai,
Chennai-2.



2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Virudhunagar Electricity Distribution Circle,
Ramamoorthy Salai,
Virudhunagar.

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+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 53410

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AE/SKN RSK/SAR3/12.04.2018/3P/4C

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