

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 889 of 2019

G.Arun

..Petitioner

Vs

1. Tamil Nadu Generation &
Distribution Corporation Ltd.,
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation &
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation &
Distribution Corporation Ltd.,
Salem Electricity Distribution Circle,
Udayapatti, Salem - 14.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 28.03.2013 passed by the 3rd respondent in Letter No. SE/SEDC/SLM/NiPi2/U2/KoVave/No.113/2013 rejecting the petitioner request for compassionate appointment, quash the same and consequently direct the respondents to reconsider the petitioner request for compassionate appointment based on the TANGEDCO (Full Board) (Permanent) Proceedings No.9, dated 09.10.2015 and his representation dated 17.02.2018 without reference to the reasons assigned in the impugned order afresh and to provide him forthwith appointment on compassionate grounds.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.P.R.Dhilipkumar

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 28.03.2013 passed by the 3rd respondent in Letter No. SE/SEDC/SLM/NiPi2/U2/KoVave/No.113/2013 rejecting the petitioner's request for compassionate appointment, quash the same and consequently direct the respondents to reconsider the petitioner's request for compassionate appointment based on the TANGEDCO (Full Board) (Permanent) proceedings No.9, dated 09.10.2015 and his representation dated 17.02.2018 without reference to the reasons assigned in the impugned order afresh and to provide him forthwith appointment on compassionate grounds.

2. The case of the petitioner is that he was 11 years old and his younger sister was 9 years old at the time of the death of his father. After attaining the age of majority and after completing his ITI Electrician Course, he made an application for compassionate appointment on 28.02.2013. However, the said application was rejected by the impugned order dated 28.03.2013 by the 3rd respondent on the ground that he did not make his application within 3 years from the date of death of his father and he did not complete 18 years at that point of time.

3. The respondent Board issued Proceedings No.9 dated 09.10.2015 removing the condition that one should have completed 18 years within three years from the date of death and as on the date of making application. Therefore, the petitioner once again made an application on 17.02.2018, requesting to consider his request for compassionate appointment based on the Board Proceedings dated 09.10.2015 and without reference to the earlier rejection order.

4. Since the respondents have not considered his representation dated 17.02.2018 in terms of the Board Proceedings No.9 dated 09.10.2015, the petitioner has filed the above writ petition.

5. In the light of the subsequent developments and since the reasons stated in the earlier impugned order is now removed vide B.P.No.9 dated 09.10.2015, this Court is of the considered view that the respondents are bound to provide compassionate appointment to the petitioner, particularly when the petitioner and his younger sister are orphans and when their mother, father and sister have died of AIDS and when the petitioner and his sister have no other source of income.

6. As per the Board Proceedings No.9 dated 13.10.1995, three conditions stated therein is satisfied. However, the petitioner has not made an application within the period of three years.

7. The learned counsel for the petitioner would submit that though the petitioner had made an application after the expiry of three years, from the date of death of employee, considering the plight of the petitioner, the prayer may be considered.

8. Though the petitioner made an application after the expiry of three years, considering the facts and circumstances of the case, the writ petition stands disposed of with the following directions;

(i) The respondents are directed to reconsider the petitioner's request for compassionate appointment, based on the TANGEDCO (Full Board) (Permanent) Proceedings No.9, dated 09.10.2015 and his representation dated 17.02.2018, within a period of six weeks from the date of receipt of a copy of this order.

(ii) The respondents shall communicate the decision taken in this regard to the petitioner.

9. Accordingly, the present writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

kmm

To

1. Tamil Nadu Generation &
Distribution Corporation Ltd.,
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai - 600 002.

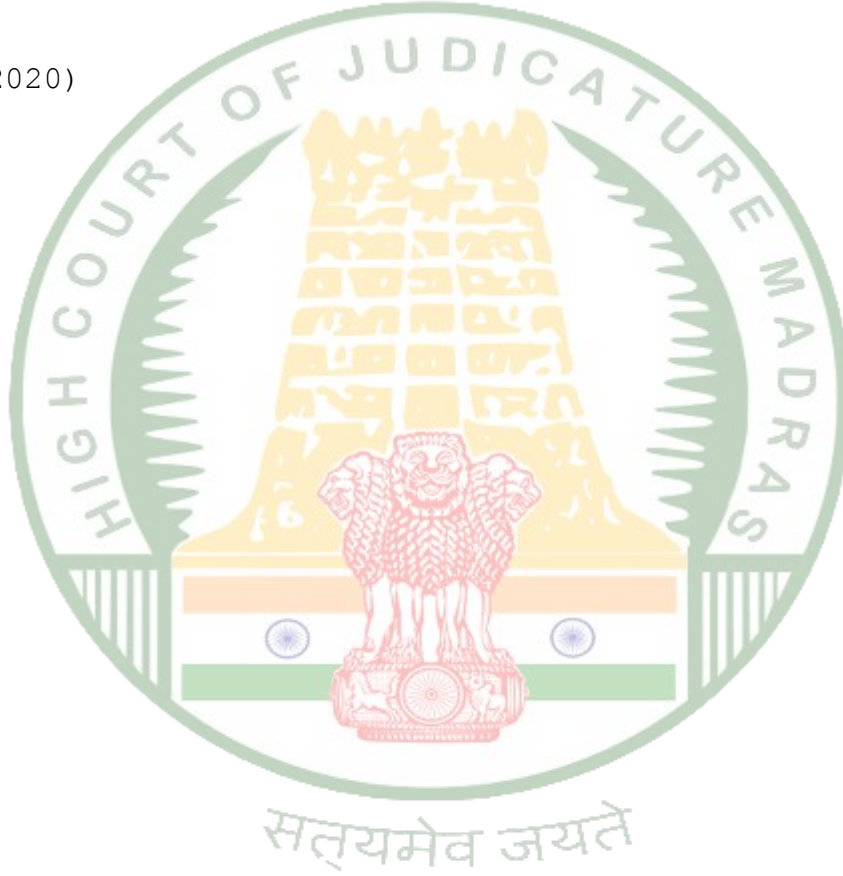
2. The Chief Engineer (Personnel),
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+1 CC to Mr.V. Ajoy Khose, Advocate sr 77473.

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AK (CO)
SP(22/01/2020)



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