

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.25768 of 2016

A.David

... Petitioner

Vs.

- 1.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Kancheepuram Electricity Distribution Circle,
Kancheepuram District.
- 3.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Thiruvallur Electricity Distribution Circle,
Thiruvallur District.
- 4.The Assistant Engineer (Operation & Maintenance),
Tamil Nadu Generation and Distribution
Corporation Limited,
Thiruvallur East, Thiruvallur - 602 001,
Thiruvallur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to appoint the petitioner to any suitable post on compassionate grounds befitting to his educational qualification in terms of the order in (Per) B.P. Ms.(FB) No.3, (Administrative Branch) dated 09.01.2017 within a specified time limit that may be stipulated by this Court.

For Petitioner : Mr.V.Veluchamy

For Respondents : Mr.P.R.Dhilip Kumar
Standing Council

O R D E R

This Writ Petition has been filed seeking for an issuance of a Writ of Mandamus, directing the respondents to consider his claim for compassionate appointment.

2. Heard the learned counsel appearing on either side.

3. The petitioner is the son of first wife and his father viz., Late.Aron, while serving in the Tamil Nadu Generation and Distribution Corporation Limited, died on 13.11.1993. He was 15 years at the time when his father passed away. He gave his representation on 29.09.2004 to the third respondent viz., the then in-charge for the Thiruvallur District. In response to his application, the second respondent by a communication dated 08.11.2014, informed the petitioner that he submitted the application belatedly after the period of three years for appointment on compassionate ground. However, without even questioning the same, the petitioner has again come to this Court seeking for a writ of mandamus directing them to consider his representations.

4. This Court is not able to entertain this writ petition on two grounds. Firstly, when the petitioner's father viz., Late.Aron, died on 13.11.1993, he was aged about 15 years, therefore, he should have given his application within a period of three years from the date of attaining majority, but, he had submitted his application only on 29.09.2004, which is 8 years after the date of attaining the majority. Secondly, his request to consider his claim for appointment on compassionate ground was also turned by the second respondent vide proceedings dated 08.11.2004 on the ground that he has not moved this application within three years, however, he has not questioned the correctness of the said proceedings till date. Thus, in view of such reasons, I do not find any merit in the writ petition and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ia/rkm

To

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Thiruvallur East, Thiruvallur - 602 001,
Thiruvallur District.

+1 cc to Mr.V.Veluchamy, Advocate SR.No.5787

+1 cc to Mr.P.R.Dhilipkumar, Advocate SR.No.6136

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SVI (CO)
CSL/18.02.2019

सत्यमेव जयते

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