



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.06.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.16827 of 2019

Aswin Kumar

..Petitioner

vs.

1.The Superintendent Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
Salem - 636 014.

2.The Superintendent Engineer,
Mettur Electricity Distribution Circle,
Mettur Dam.

3.Selvi Sivasankari

4.Selvi Isai Ethal

5.Selvan Panjalan

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus issue direction directing the respondents to consider the petitioner's representations dated 04.09.2015, 13.07.2016 & 10.02.2018 submitted for the compassionate appointment and pass further orders.

For Petitioner

..

Mr.Marudhachalamurthy R.

ORDER

The present writ petition has been filed seeking a direction to the respondents to consider the claim of the petitioner for 'compassionate appointment'.

2.According to the petitioner, his father has died on 22.12.2005, but at that time he was aged 12 years. According to him, he had submitted representation within three years after he attained majority on 04.09.2015, followed by two representations dated 13.07.2016 & 10.02.2018. The petitioner is now 25 years



old. Even assuming that the petitioner had waited till his attaining majority, he cannot be allowed to approach this Court after a delay of several years even after attaining the age of majority and seek for consideration of his claim for 'compassionate appointment'.

3.This Court time and again has held that the consideration of compassionate appointment and the Scheme, as provided by the Government, is to provide immediate employment assistance to the legal heir of the family, who lost their bread-winner. However, such employment opportunity cannot be kept indefinitely waiting for the legal heir of the deceased to approach this Court after a period of several years and seek 'compassionate appointment'. The very fact that the family had managed to survive for so many years from 2005 would be a point against the claim for Compassionate Appointment. In any event, such consideration for 'compassionate appointment' cannot be maintained in terms of the Scheme as provided by the Government after lapse of several years.

4.Therefore, this Court is of the view that the writ petition lacks merit and substance and hence, the same is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
Salem - 636 014.

2.The Superintendent Engineer,
Mettur Electricity Distribution Circle,
Mettur Dam.

+1cc to Mr.Marudhachalamurthy R., Advocate sr.49938

W.P.No.16827 of 2019

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nr 13/08/2019