

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.18786 of 2019

Nepholian

.. Petitioner

Vs.

1.The Chief Engineer(Personal),
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-2

2.The Chief Engineer(Distribution),
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-2

3.The Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd,
Kancheepuram Electricity Distribution Circle,
Olimohamadpettai, Kacheepuram District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent in his proceedings in Ka.No.145/NE.PE.2/E.Ni.Vu/Ko.Va.Ve/2004-3, dated 02.03.2018 and quash the same as illegal and consequently direct the respondents to provide suitable employment to the petitioner in the respondent board.

For Petitioner .. M/s.D.Saraswathi

For Respondents .. Mr.P.R.Dilipkumar, Spl G.P

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent in his proceedings in Ka.No.145/NE.PE.2/E.Ni.Vu/Ko.Va.Ve/2004-3, dated 02.03.2018 and quash the same as illegal and consequently direct the

respondents to provide suitable employment to the petitioner in the respondent board.

2. The case of the petitioner is that the petitioner's father was an employee of the Tamil Nadu Electricity Board and died while he was in service on 07.08.1998. According to the petitioner, he was four years old at the time of his father's death. Originally, the petitioner's mother appears to have submitted an application/representation seeking for compassionate appointment. The same was rejected on 03.03.2004 on the ground that she did not have minimum qualification for appointment to the Board service, since the minimum educational qualification was VIII Standard. The petitioner herein, at that time was four years old and therefore, he could not stake any claim for compassionate appointment for himself.

3. Thereafter, the petitioner after attaining the majority had sought for compassionate appointment for himself by his application dated 28.12.2017. However, the same was rejected on 02.03.2018 on the ground that the application has not been made within the stipulated time, i.e., three years from the date of death of his father. According to the petitioner, the respondents failed to appreciate the fact that originally his mother had made an application in 2004 itself. Therefore, the order passed by the respondents dated 02.03.2018 is put to challenge in this writ petition.

4. Although it was explained that at the time when the petitioner's father died, he was only four years old and even though, he has attained majority after 14 years from the date of death of his father, however, the application/representation for compassionate appointment was made only in the year 2017 and presently, the age of the petitioner is 26 years. Therefore, looking at from any angle, there appears to be a long and unexplained delay in approaching the authorities seeking for compassionate appointment by the petitioner.

5. This Court time and again held that the scheme for compassionate appointment is meant to provide immediate employment assistance to the family of the deceased Government employee. Such appointment cannot be sought, after a period of 20 years, particularly, in the absence of any explanation worthwhile to be considered by this Court to intervene in such hopelessly belated claim.

6. For the aforesaid reasons, this Court finds that the writ petition is hit by severe laches and hopelessly time barred and therefore, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar
dn

To

- 1.The Chief Engineer(Personal),
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-2
- 2.The Chief Engineer(Distribution),
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-2
- 3.The Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd,
Kancheepuram Electricity Distribution Circle,
Olimohamadpettai, Kacheepuram District.

+lcc to Mr.K.Sasindran, Advocate sr.55576

W.P.No.18786 of 2019

cp(co)
nr 28/08/2019

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