



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.804 of 2019

P.Arunkumar

... Petitioner

-Vs-

1.The Chief Engineer,
TANGEDCO (TNEB),
144, Anna Salai, Chennai-2.

2.The Superintending Engineer,
TANGEDCO, (TNEB),
Madurai-7.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate grounds in view of the petitioner's father Late Pandiyan death during the course of employment based on the representation dated 05.12.2018 preferred by the petitioner, within the period that may be stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.S.Dhayalan,
Standing Counsel.

ORDER

Heard Mr.V.P.Rajan, learned counsel appearing on behalf of the petitioner and Mr.S.Dhayalan, learned Standing Counsel, who takes notice on behalf of the respondents.

2.This Writ Petition is filed for a direction to direct the respondents to appoint the petitioner on compassionate ground, on account of the death of the petitioner's father Late Pandiyan during the course of employment, based on the representation, dated 05.12.2018 preferred by the petitioner.

3.According to the petitioner, his father, namely, M.Pandiyan while working as Mastoor at Sindupatti Sub Division TNEB, Madurai, died on 26.06.2015. The petitioner's mother gave representation, dated 29.06.2016 to the first respondent, requesting him to provide an appointment on compassionate ground. The said representation was



forwarded to the second respondent. The second respondent has sent a communication, dated 01.08.2016, informing the mother of the petitioner that the representation for appointment on compassionate ground cannot be kept pending, till the petitioner attains majority. Again, on 03.03.2018, the petitioner's mother gave a representation to the second respondent. The second respondent, by the communication dated 17.03.2018, reiterated the same communication already issued on 01.08.2016. According to the petitioner, his date of birth is 07.11.2000 and he attained the majority on 08.11.2018 and he gave a representation to the respondents on 05.12.2018, requesting the second respondent to give appointment on compassionate ground. However, the respondents have not passed any order. Hence, the petitioner has come out with the present Writ Petition.

4.The learned Standing Counsel appearing on behalf of the respondents contended that the representations given by the mother of the petitioner were rightly not considered, as the petitioner was minor at that time. As far as the representation given by the petitioner is concerned, as per the guidelines, the petitioner is not entitled for appointment on compassionate ground and prayed for dismissal of the Writ Petition.

5.From the materials on record, it is seen that the father of the petitioner died on 26.06.2015, while he was in service. The mother of the petitioner and the petitioner are making representations immediately, after the death of the father of the petitioner, seeking appointment on compassionate ground. Earlier, the first two representations given by the mother of the petitioner were not considered favorably, on the ground that the petitioner was minor at that time and the representation cannot be kept pending, till the petitioner attains majority. The respondents also informed the mother of the petitioner that appointment for the petitioner cannot be considered at that time. After the petitioner attains the majority, he made application for appointment on compassionate ground on 05.12.2018. The petitioner in the affidavit filed in support of this petition, has stated that the family of the petitioner is in indigent circumstances and the petitioner's father was a sole breadwinner of his family. These contentions are not denied by the respondents.

6.Considering the communications of the second respondent dated 01.08.2016 and 17.03.2018, informing the mother of the petitioner that her representations were not considered at that time, as the petitioner was minor and considering the fact that the mother of the petitioner made two representations, immediately, after the death of her husband and the petitioner made representation immediately, he attains the majority, the respondents are directed to give suitable appointment to the petitioner on compassionate ground, within a period of four weeks from the date of



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7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Chief Engineer,
TANGEDCO (TNEB),
144, Anna Salai, Chennai-2.

2. The Superintending Engineer,
TANGEDCO, (TNEB),
Madurai-7.

+1 CC to M/s.V.P.RAJAN, Advocate (SR-88123[F] dated 20/09/2019)

W.P. (MD) No.804 of 2019
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JMN(03.10.2019) 3P : 4C