



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12746 of 2012

C.L.Kaaviya

... Petitioner

Vs.

1.The Chairman,
TNEB Office,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 2.

2.The Chief Engineer,
Personal, TNEB,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 2.

3.The Chief Engineer,
Distribution, Salem Region,
Salem - 14.

4.The Superintendent Engineer,
Distribution, Salem Region,
Udayarpatti, Salem -14.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus pertaining to call for the records of the fourth respondent relating to the order in letter no.882/Ni.Pi.1/voo.3/Ko.va.ve./2011 dated 28.11.2011 and quash the same and directing the respondents to provide the post of Technical Assistant or other suitable post under the compassionate grounds to the petitioner.

For Petitioner : Mr.V.T.Balaji

For Respondents: Mr.Karthik Rajan
Senior Standing Counsel for TNEB

O R D E R

The petitioners' father, while in service as a Junior Engineer with respondent Electricity Board, died on 19.09.2007. After his death name of the petitioner was sponsored by Employment exchange to the respondent for the



post of Technical Assistant. Eventhough she attended the interview on 07.07.2009, she was not selected. However she requested the respondents to consider her on compassionate basis to the said post, but, her request was not accepted by the respondents on the ground that compassionate appointment cannot be made to higher posts. Therefore, the petitioner made a representation on 01.07.2010 for appointment under compassionate ground, but, no action was taken by the respondents. Thereafter, she submitted further representations on 12.08.2011 and 31.08.2011 respectively. However, by the impugned letter, the 4th respondent herein has returned the application made by the petitioner on the ground it has been made beyond the limitation period of three years. Aggrieved over the same, the petitioner is before this Court.

2. The learned counsel appearing for the respondents would submit that as per the Scheme in force, appointment under compassionate ground can be considered only for Class IV posts provided the applicant submits his / her application within a period of three years from the date of death of the employee. Even though it is stated by the petitioner that she submitted her application as early as on 01.07.2010, nothing has been found in the records of the respondents as claimed by her. The petitioner also filed proof of service for the representation being sent on 01.07.2010, however, the representation was actually sent on 31.08.2011, which is beyond the limitation period of three years and therefore, it was rightly rejected. This Court in its various judgments has clearly held that the candidates do not have any vested right to get appointment under compassionate ground, but however, they will be entitled to be considered for employment. In the present case, the petitioner has not approached the respondents in time and therefore, her claim cannot be considered at this distance of time. Therefore, she seeks for dismissal of the writ petition.

3. I have considered the rival submissions.

4. The admitted fact remains that the petitioner's father was working as Junior Engineer till his death on 19.09.2007. After his demise, within a period of two years, the petitioner was called for an interview for the post of Technical Assistant on 07.07.2009. It is submitted by the learned counsel for the petitioner after the death of the petitioner's father, she enquired about compassionate appointment to the post of Technical Assistant, but it was refused and she was advised to submit a representation seeking Class - IV post. However, I do not find any material on record in support of his submission.

5. Be that as it may, for the representation dated 01.07.2010 submitted to the respondents in person, no acknowledgment was given. It is not the case of the



respondents that the petitioner is not eligible to be appointed, but it was rejected on some technical ground, which is submitted beyond the limitation period of three years. It is probable for the petitioner, as claimed by her, requested the respondent to appoint her to the post of Technical Assistant on compassionate grounds. From the statement that compassionate ground appointments cannot be made to higher posts, it is evident that she made her request for employment on compassionate grounds within two years. Hence, the rejection order passed on technical grounds, only because the respondents do not find the copy of representation in their files cannot be accepted. The said representation was followed by two other reminders. In that event, it shall be construed that she had submitted her request in time.

6. Considering the facts and circumstances, I am inclined to set aside the rejection order. Accordingly, the impugned order dated 28.10.2011 passed by the fourth respondent is set aside and the respondents are directed to consider the representation submitted by the petitioner for compassionate appointment, on merits and pass orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

bri

To

- 1.The Chairman,
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Salem - 14.



4.The Superintendent Engineer,
Distribution, Salem Region,
Udayarpatti, Salem -14.

+2cc to Mr.V.T.Balaji, Advocate SR.No.17478

+1cc to Mr.Karthik Rajan, Advocate SR.No.17478

W.P.No.12746 of 2012

MR (CO)
GMY (14/07/2020)