

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2020

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THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**

W.P.No.7021 of 2020

N.Sakthivel Murugan

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Petitioner

Vs.

1.The Tamil Nadu Electricity Board,
rep. by its Chairman,
144, Anna Salai,
Chennai-600 002

2.The Chief Engineer(Personnel),
The Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002

3.The Superintendent engineer,
Tamil Nadu Electricity Board,
Tiruvannamalai Power Distribution Circle,
Tiruvannamalai.

4.The Executive Engineer,
Tamil Nadu Electricity Board,
Vandavasi,
Tiruvannamalai District

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Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's claim of compassionate appointment by appointing him in the place of his father Late. C. Narayanasamy, who died in electrical leakage on 07.10.2001, by considering his

representation dated 13.02.2020.

For Petitioner .. Mr.A.Esairani Narasimman
For Respondents .. Mr.Fakkir Mohideen

ORDER

The writ petition has been filed seeking for issuance of a Mandamus to direct the respondents to consider the petitioner's claim of compassionate appointment by appointing him in the place of his father Late. C. Narayanasamy, who died in electrical leakage on 07.10.2001, by considering his representation dated 13.02.2020.

2. The case of the petitioner is that his father, who was working as Helper in the respondent Board had died while in service on 07.10.2001. According to the petitioner, his father left behind his mother and two sons including the petitioner as his legal heirs. The petitioner herein was a minor, aged about six years at the time of his father's death.

3. According to the petitioner, his mother appears to have submitted an application on 28.02.2003 before the third respondent

seeking appointment on compassionate grounds for herself. However, as per the averments in the affidavit, the application submitted by his mother had not evoked any response.

4. Thereafter, the averments contained in the affidavit would disclose that on behalf of the petitioner, the Right to Information Act was invoked in order to get some information. After a lapse of long years, the petitioner appears to have submitted a representation on 13.02.2020, seeking for compassionate appointment for himself. However, as no response was forthcoming, the present Writ Petition has been filed seeking for a direction.

5. From the above averments, it could be seen that the cause of action had arisen as early as on 2001, when the father of the petitioner died on 07.10.2001. Although at the time of his death, the petitioner was only six years old, and he attained majority in 2013, nothing is disclosed in the affidavit as to what happened during all these years, even after 2013. The entire affidavit is completely bald and bereft of any details and subsequently, the petitioner appears to have woken up after a very long time and submitted a representation on 13.02.2020, probably as a prelude to invoke the jurisdiction of this

Court under Article 226 of Constitution of India for issuance of mandamus.

6. Time and again, this Court has held that the Scheme for compassionate appointment is meant to render immediate employment assistance to the family, facing indigent circumstances due to the sudden death of the bread winner. Such employment assistance envisaged in the Scheme cannot wait for indefinite period of time as and when the appointment seeker chooses his own convenient time and period. In the case on hand, the relief of compassionate appointment cannot be granted at this distant point of time, after a period of 19 long years. The Writ Petition appears to be a speculative attempt to wrangle a seemingly innocuous direction to resurrect the dead cause of action. In the opinion of this Court, such attempt, cannot be allowed to succeed.

Therefore, the Writ Petition stands dismissed. No costs.

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Index:Yes/No

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V.PARTHIBAN, J.

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