

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.12821 of 2020

K.Meena

...Petitioner

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation Limited,
Rep.by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer (Electrical),
Ennore Thermal Power Station, TANGEDCO,
Ennore, Chennai - 57.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the rejection order in Ka.No.026 (0979)/Me.Pa.Po/Minniyal/Nipi.1/NiVu.1/Ko.Kattu/2020, dated 27.02.2020 on the file of the 3rd respondent quash the same and directing the respondents to appoint the son of the petitioner namely K.Baskar in suitable post under the compassionate appointment.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.Karthik Rajan
Standing Counsel

ORDER

The matter is taken up through web hearing.

2.This writ petition is filed for the following prayer:

"to call for records relating to the rejection order in Ka . No. 026 (0979)/Me.Pa.Po/Minniyal/Nipi.1/NiVu.1/Ko. Kattu/ 2020, dated 27.02.2020 on the file of the 3rd respondent quash the same and directing the respondents

to appoint the son of the petitioner namely K.Baskar in suitable post under the compassionate appointment."

3.The petitioner is the wife of one V.Kaliaperumal, who died while in service on 01.11.1998. He was employed as Electrical Grade - II, Junior Engineer, under the control of the third respondent. According to her, after the death of her husband she had received all terminal benefits. According to the petitioner, she was the second wife of the deceased employee and in 2003 first wife's son one Muthukumar, preferred an application to the respondents seeking compassionate appointment. According to her, since he did not possess minimum educational qualification, his application was rejected.

4.Thereafter on attaining majority, the petitioner's son Anbarasan had applied seeking compassionate appointment on 19.06.2013. However, due to ill health the said Anbarasan could not pursue his claim for compassionate appointment and therefore, the petitioner's second son one K.Baskar sought compassionate appointment in 2018. The application came to be rejected on 27.02.2020 on the ground that the same was not preferred within a period of three years from the date of death of the petitioner's husband. The rejection order dated 27.02.2020 is put to challenge in this writ petition.

5.Mr.S.Duraisamy, the learned Senior Counsel would submit that there cannot be any delay in this case since the matter has been pursued for the last several years. But the rejection came only on 27.02.2020. According to him, there was no application of mind on the part of the Authority, who rejected the order. He would also submit that since the second son attained majority only in 2013, thereafter the application was moved and when the same was rejected in 2020, the petitioner is before this Court.

6.This Court is unable to appreciate as to how the claim for compassionate appointment could be entertained after a period of 22 years. Admittedly, the petitioner's husband died as early as on 01.11.1998 and thereafter, the first wife's son had applied, followed by one Anbarasan, who is the son of the petitioner herein. Since those applications could not be pursued in view of their own disqualification, lastly in 2018, the second son of petitioner had applied for compassionate appointment. The Authority has rightly rejected the claim on 27.02.2020.

7.Time and again, this Court has held that the compassionate appointment is provided by way of immediate employment assistance to the family of the deceased on account of the fact that the family had been deprived of livelihood and placed under indigent circumstances. Such compassionate appointment cannot be sought belatedly after 22 years. If such belated claim of the compassionate appointment is to be entertained, that would defeat the very purpose of the scheme of

compassionate appointment.

8. Therefore, this Court is of the view that the rejection order by the Authorities does not suffer from any infirmity. Hence the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns/mrm

To

1. Tamil Nadu Generation and Distribution Corporation Limited,
Rep. by its Chairman,
No.144, Anna Salai,
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Ennore Thermal Power Station, TANGEDCO,
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RP (CO)
GN (02/11/2020)

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