

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2020

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.16456 of 2020

S.Sudhakaran

..Petitioner.

Vs.

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
 2. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Villupuram.
- ..Respondents.

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the appointment of the petitioner for helper in the respondent electricity board on compassionate ground and pass orders on his representation dated 23.07.2018 within a stipulated period.

For Petitioner : Mr.K.Prakash

For Respondents : Mr.Karthik Rajan
Standing Counsel

O R D E R

The matter is taken up through web hearing.

2. This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to consider the appointment of the petitioner for helper in the respondent electricity board on compassionate ground and pass orders on his representation dated 23.07.2018 within a stipulated period.

3. The case of the petitioner is that his father one Selvam was employed under the respondent as Field Assistant in Villupuram District. His father expired during his period of employment on 13.07.1991, leaving behind his mother, two sisters, his grand mother and himself. According to the petitioner, his mother submitted a representation on 17.01.2001 to the 2nd respondent along with the required documents seeking employment on compassionate ground.

According to the averments in the affidavit, the said request was rejected by the 2nd respondent on the ground that the application was made after the period of three years.

4. The case of the petitioner is that at the time when his father died, he was a minor and after attaining majority, an application was given in 1999 but the same was also rejected on 22.10.1999. According to the petitioner that some Board proceedings have been quoted in the affidavit which prompted him to make representation even after expiry of three years.

5. The petitioner has also stated that he has approached this Court earlier in W.P.No.14182/2001 and this Court disposed of the Writ Petition on 01.12.2009 directing the 2nd respondent to consider his application for compassionate appointment. Although this Court has directed the respondent to pass orders within two months, the same has not been complied and hence, the petitioner is before this Court.

6. From the above narrative, it could be seen that the father of the petitioner died 29 years before and the application for compassionate appointment had been rejected, even according to the petitioner in 1999 and 2001. Even after the disposal of the writ petition filed by him in the earlier proceedings in 2009, the petitioner appears to have slept over his right for more than a decade.

7. In the entire affidavit, nothing has been stated as to what transpired after 01.12.2009 and till date. Suddenly, the petitioner appears to have made representation in 2016 and 2018 and he is before this Court after two years for disposal of the said representation. This Court does not think that such stale and belated claim could be revived by issuing any direction as prayed for by the petitioner.

8. This Court has time and again held that the Scheme for compassionate appointment is provided for immediate employment assistance to the family of the deceased and such employment assistance is not open to offer after a period of 29 years. In fact, as disclosed by the petitioner in the affidavit, he is 40 years old now and at this age, the petitioner is not entitled to seek any remedy on compassionate ground. Therefore, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Villupuram.

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