



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.16308 of 2013

WEB COPY

A.Satheesh Kumar

... Petitioner

Vs.

1.The Chief Engineer,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Engineer, (Rural),
O/o Assistant Engineer,
Tamilnadu Electricity Board,
Paramakudi,
Ramanathapuram District.

... Respondents

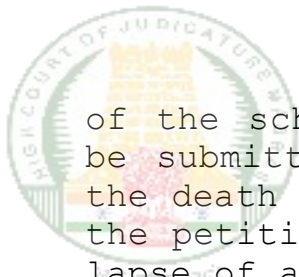
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorified Mandamus to call for the entire records, relating to the impugned orders passed by the third respondent vide his proceedings in letter No.004974/Uu Ni A/Nib 2/u2/Ko.Va.Ve/11, dated 05.07.2011 and consequential letter No.11510-1/Uu Ni A/Nibi 2/U2/Ko.Va.Ve/13, dated 10.07.2013 and quash the same as arbitrary and consequently direct the respondents to appoint the petitioner in any one of the available post in the respondents' office as suitable for the qualification of the petitioner within a time that may be stipulated by this Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr. T.Sakthikumaran
Standing Counsel

ORDER

The order of rejection rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition. The reasons stipulated in the impugned order of rejection dated 05.07.2011 is that the deceased employee of the respondent was employed on 31.05.1996. As per the terms and conditions



of the scheme of compassionate appointment, the application must be submitted between the period of three years from the date of the death of the deceased employee. However, in the present case, the petitioner had submitted the application on 11.05.2011 after a lapse of about 15 years from the date of the death of the deceased employee.

2. The petitioner is the second son of the deceased Mr.K.Ariraman, who was employed as wire man in the office of the Assistant Engineer at Paramakudi. The father of the writ petitioner died while he was in service on 31.05.1996. The petitioner states that his family was in penurious circumstances and was not in a position to lead their livelihood. At the time of the death of the deceased, the writ petitioner as well as his brother were minors and on attaining the age of majority, the brother of the writ petitioner submitted an application on 25.08.2001 to the respondents. However, the said application was rejected in proceedings dated 27.09.2011 on the ground that the brother of the writ petitioner did not submit any application within a period of three years. The petitioner, on completion of Diploma in Mechanical Engineering in the year 2010, submitted another application on 11.05.2011 to the respondents seeking appointment on compassionate ground. The said application is rejected. Challenging the said order, the present writ petition is filed.

3. The ground raised in the writ petition is that the family is suffering financially and on account of the same, the appointment is to be provided on compassionate grounds.

4. The principles for grant of compassionate appointments is now well settled by this Court as well as by the judgment of the Honourable Full Bench of this Court. Seeking of compassionate appointment is a concession. The appointment on compassionate ground can never be claimed as a matter of right. The scheme being violative of Articles 14 and 16 of the Constitution of India, the appointments on compassionate grounds are to be made strictly in accordance with the terms and conditions stipulated in the scheme. The enormous delay in granting appointment on compassionate ground would defeat the purpose and object for which the scheme was implemented. The long delay for submitting the application is a ground to draw the factual inference that the generous circumstances arose on account of the sudden death of the deceased employee became vanished. Thus the long delay in submitting the application is also a ground to reject the compassionate appointment.

5. In the present case, the application itself was submitted after a lapse of 15 years from the date of death of the deceased.



The first application submitted by the brother of the writ petitioner was also dismissed. There is no rule to submit the application by all the legal heirs one by one. Once an application is filed on behalf of the family of the deceased employee, then there is no scope for further application by the other legal heir. Indigence and other family circumstances are to be considered before granting any appointment under compassionate ground. Then all these aspects are to be considered for granting compassionate appointment.

6. This Court is of the considered opinion that the deceased employee died in the year 1996 and the application submitted by the brother of the writ petitioner was rejected in the year 2001 and the writ petitioner submitted an application in the year 2011, after a lapse of 15 years and thus, the order of rejection passed by the third respondent is in consonance with the legal principles and there is no infirmity as such. The writ petition is devoid of merits and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

SSL

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