



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	28.02.2020
Pronounced on	28.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7941 of 2016

G.Ramyashree

...Petitioner

Vs.

1.The Chief Engineer,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-2.

2.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
Metropolitan, Madurai-7.

3.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
[TANGEDCO], K.Pudur,
Madurai-7.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the respondents to provide the petitioner an appointment under the compassionate ground in their department within a stipulated time as fixed by this Court.

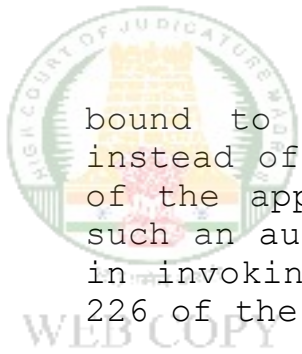
For Petitioner : Mr.M.Ponniah
For Respondents : Mr.T.Sakthi Kumaran
Standing counsel

O R D E R

The petitioner's father, who was employed with the respondents herein, had died in harness. The petitioner, who claims to be the legal heir of the deceased employee, had made an application before the respondents on 09.09.2014, seeking for appointment on compassionate ground. Since the said application was not considered in time, the present Writ Petition has been filed.

2. Heard Mr.M.Ponniah, learned counsel for the petitioner and Mr.T.Sakthikumaran, learned Standing counsel appearing on behalf of the respondents.

3. It is needless to point out that whenever an application of this nature has been made, the concerned authorities are duty



bound to consider such application in one way or the other, instead of keeping it pending indefinitely. Such non consideration of the application would amount to dereliction of the duties of such an authority and therefore, the petitioner would be justified in invoking the extraordinary powers of this Court under Article 226 of the Constitution of India.

4. It would be pertinent to point out here that in all cases where claim is made for compassionate appointment, the concerned authorities are required to act efficaciously and speedily, since the very purpose of providing appointment on compassionate ground is to mitigate the hardship due to the death of the bread-earner in the family and that there should not be any delay in such appointments. This proposition was held by the Hon'ble Apex Court in the case of **Sushma Gosain Vs. Union of India** reported in **1989 (4) SCC 468** had held as follows:

'It must be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant.'

5. The same ratio was reiterated by the Hon'ble Apex Court in the case of **Canara Bank Vs. M.Mahesh Kumar** reported in **2015 (7) SCC 412**.

6. In the light of the above observations, the concerned respondent is directed to consider the petitioner's representation dated 09.09.2014 as efficaciously as possible in any event, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



1.The Chief Engineer,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-2.

2.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
Metropolitan, Madurai-7.

3.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
[TANGEDCO], K.Pudur,
Madurai-7.

+1 CC to MR.M.PONNIAH, Advocate (SR-12995[F] dated 01/06/2020)

**Order made in
W.P. (MD) No.7941 of 2016
28.05.2020**

KM (09.07.2020) 3P 5C