

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2021

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.334 of 2021

C.Irusammal @ Kunjayee

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
No.144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer (P & A)
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
Mettur Thermal Power Station - 1,
Mettur Dam - 6.
Salem District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection in L.No.37305/Ni.Pi.3(4)/Ko/Va/Ve/2020, dated 13.10.2020 on the file of the 3rd respondent quash, the same and direct the respondents to appoint the petitioner in the suitable post of compassionate ground.

For Petitioner : Mr.D.Rajkumar

For Respondents : Mr.Karthik Rajan

ORDER

The petitioner has come forward with the prayer seeking compassionate appointment to her son.

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2. The brief fact of the case is that the husband of the petitioner who is an employee of the Electricity Board died in a road accident on 29.10.2010. The petitioner has made a representation on 27.05.2013 seeking compassionate appointment for her son. Admittedly, the son of the petitioner has not even completed 10 years of age at the time of demise of his father. Hence, the respondent Board has rejected her application for on the ground that the son of the deceased has not completed 18 years of age. Thereafter, after attaining majority, the petitioner again made a representations dated 31.01.2019, 26.06.2019 and 13.10.2020 to the 3rd respondent for compassionate appointment. But the respondent could not accept the claim of the petitioner since the petitioner has not made the application within a period of three years from the demise of the employee and hence the respondent Board rejected the same. Aggrieved over the same, the petitioner has preferred this writ petition.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. No doubt true, the mother and son could not have applied for a job under Compassionate ground within three years from the date of demise of the employee. Even though the financial circumstances of the individual need to be considered, there is no rule for appointment of minor in the Electricity Board. The Court and the Madurai Bench of this Court have held various decisions with regard to the compassionate appointment in detail consideration, engaging the legal heirs of the deceased employee on compassionate ground.

5. As held by the Hon'ble Supreme Court in the case reported in (2011) 4 SCC 209, the purpose of compassionate appointment is to meet the sudden crises and there is no need to keep a post to claim after 18 years. Therefore, it is clear that the request for appointment on compassionate ground for the child in the womb, by seeking reservation of one post till the child's majority cannot be entertained. I also made a decision in W.P.MD.No.4129 of 2014 dated 24.09.2018 that the Compassionate appointment is not a matter of right of a person.

6. In the light of the observations made there in, the petitioner will not be entitled to any relief. The writ petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

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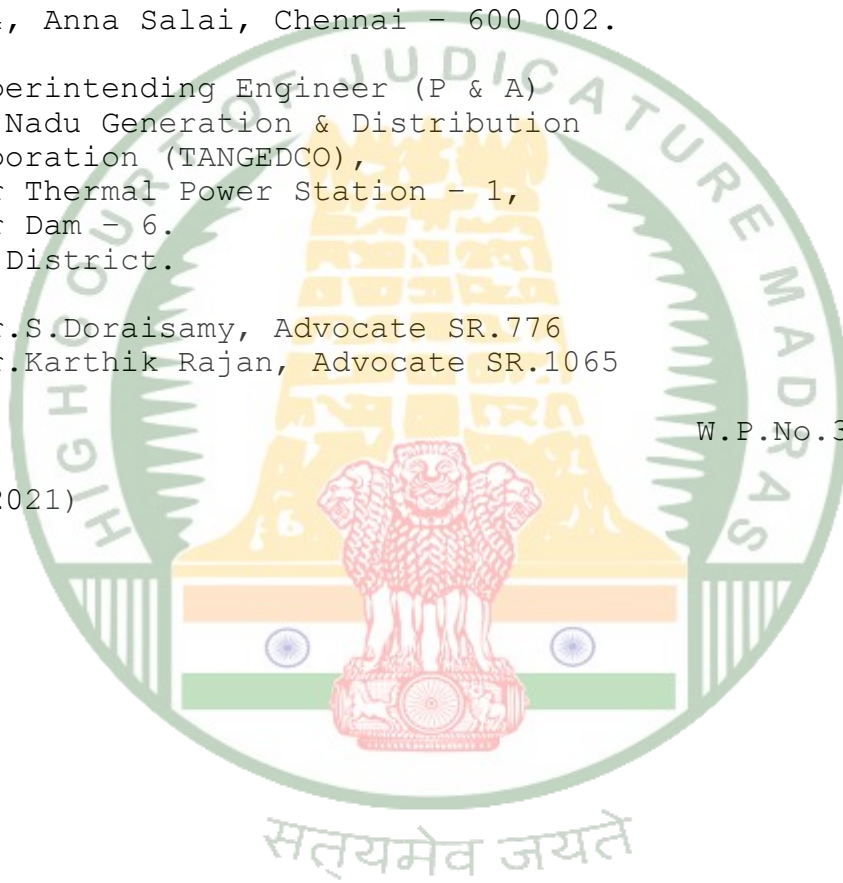
vum
To

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Salem District.

+1cc to Mr.S.Doraisamy, Advocate SR.776
+1cc to Mr.Karthik Rajan, Advocate SR.1065

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