

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P. No.1130 of 2021
and
WMP.No.1262 of 2021

S.Kalaivani

... Petitioner

Vs.

1.The Chairman and Managing director,
Tamilnadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
Udumalpet Electricity distribution Circle,
Udumalpet, Thiruppur district 642 126.

..... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified mandamus, calling for the records with respect of the proceedings of the respondent herein dated 10.11.2020 in the proceedings in Ka.No.020321/608/Ni.A/Ni1/U1/Ko.Va.Ve/2020 and quash the same consequently direct the respondent herein to appoint the petitioner herein in any one of the post under Compassionate Grounds.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr. Karthik Rajan

ORDER

The petitioner has come forward with the prayer seeking appointment on compassionate ground.

2.The brief facts of the case is that the petitioner's father, namely, Sivalingam while discharging his service as Wireman under the 2nd respondent Electricity Distribution Circle, died on 31.10.2010. Immediately, after the demise of her father, the petitioner's mother made an application, claiming Government employment to the petitioner under compassionate

ground on 07.03.2013; however the same was rejected by the 2nd respondent by his proceedings dated 27.04.2013, stating that the petitioner had not attained majority and that she had not possessed required Education qualification. It is the case of the petitioner that after attaining the age of majority, she made yet another application before the 2nd respondent on 13.10.2020, requesting to appoint her in any one of the posts under compassionate appointment. It is the grievance of the petitioner that after receipt of the application of the petitioner, the 2nd respondent, by his proceedings dated 10.11.2020, rejected her claim on the ground that the petitioner has applied for appointment on compassionate ground after three years, which cannot be considered. Aggrieved against the said rejection order, the present writ petition is filed with the above said prayer.

3.This Court heard the submission made by the learned counsel appearing on either side and also perused the materials available on record.

4. It is pertinent to state here that a compassionate appointment scheme is a non-statutory scheme and is in the form of a concession and therefore it cannot be claimed as a matter of right by the claimant to be enforced through a writ proceeding. A compassionate appointment is justified, when it is granted to provide immediate succor to the deceased employee. Mere death of a Government employee in harness, will not entitle the family to claim compassionate employment. The competent authority has to examine the financial condition of the family of the deceased employee and only if it is satisfied that without providing employment, the family will not be able to eke out their livelihood a job can be offered to the eligible member of the family of the deceased employee.

5.In the present case on hand, admittedly the petitioner's mother made an application sought for employment to the petitioner under compassionate ground, however, at that time, the petitioner was minor and not having the required educational qualification and therefore the job request under compassionate ground made by her mother was rejected. Even though the financial circumstances of the individual need to be considered, there is no rule for appointment of minors in the Electricity Board. This Court as well as the Madurai Bench of this Court have held various decisions with regard to the compassionate appointment in detail for consideration of engaging the legal heirs of the deceased employee on compassionate ground, within three years from the date of demise of the employee.

6. It is pertinent to mention that the Hon'ble Supreme Court has rendered a judgment in the case reported in (2011) 4 SCC 209, held that the purpose of compassionate appointment is to meet out the sudden crises and there is no need to keep a post vacant for the purpose of claim after 18 years. The appointment on compassionate ground for the minor child in the womb, cannot be entertained by reserving one post till the child attaining majority. I also made a decision in WP.MD.NO.4129 of 2014 etc., batch dated 24.09.2018 that the compassionate appointment is not a matter of right of a person.

7. Thus, in view of the foregoing reasons, the petitioner will not be entitled to any relief as sought by her. Accordingly, this Writ Petition stands dismissed as devoid of merits. No costs. consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Chairman and Managing director,
Tamilnadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
Udumalpet Electricity distribution Circle,
Udumalpet, Thiruppur district 642 126.

+1 cc to M/s.Karthik Rajan, Advocate Sr.3357

WEB COPY

W.P. NO.1130 of 2021 and
WMP.No.1262 of 2021

kv[co]
srg 03/03/2021