

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 4212 of 2011

1.A.Kalaivani
2. A.Ragupathy

... Petitioners

-vs-

1. The Superintending Engineer,
T.N.E.B., Villupuram Electricity Distribution Circle,
Villupuram.
2. The Chief Engineer,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to pass orders on the representation dated 19.11.2008 seeking compassionate ground appointment insofar as the second petitioner is concerned on merits.

For Petitioners: Mr.L.Chandrakumar

For Respondents: Mr.M.Fakkir Mohideen
Standing counsel for TNEB

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O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to pass orders on the representation dated 19.11.2008 seeking compassionate ground appointment insofar as the second petitioner is concerned on merits.

2. The first petitioner's husband and the second petitioner's father was the employee of the respondents / TANGEDCO and while he was in service, he suddenly died due to the accident on 15.02.2000. At the time of the death of the employee, the second petitioner, i.e., son, was minor, therefore, the first petitioner / wife made an application on 28.09.2000 to the respondents seeking compassionate appointment. Therefore, that was the application filed within a period of three years from the death of the employee.

3. In view of the said fact, admittedly, since the second petitioner, who is the son of the deceased employee, was only minor and he attained majority only on 18.06.2007, after he became major in 2007, it seems that, he reiterated the said application by making representation in the year 2007-2008. However, since none of them yielded the result as desired, the petitioner chosen to file this Writ Petition with the aforesaid prayer.

4. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioners, who has given the aforesaid factual details and seeks indulgence of this Court.

5. Mr.M.Fakkir Mohideen, learned Standing counsel appearing for the respondents would submit that, in view of the rule position which has been clearly given in various board proceedings by taking into consideration in proper perspective the orders of this Court in number of cases and also the Full Bench Judgment as well as the Division Bench Judgment of this Court, the three years rule shall be strictly followed. In this case, beyond the three years rule, the second petitioner has admittedly become major only in the year 2007 i.e., after seven years of the death of the employee, therefore, the question of extending the benefit of compassionate appointment to the family of the deceased employee does not arise. In this case, since it goes against the three years rule, the plea cannot be considered and accepted.

6. The said submissions made by both sides are taken into account and I have perused the materials placed before this Court.

7. In view of the categorical pronouncement made in W.P. (MD) No. 7016 of 2011 etc., batch dated 07.12.2020 followed by

the Division Bench order in Inspector General of Prisons, v. Marimuthu reported 2016 (5) CTC 125, the plea raised by the petitioner cannot be accepted and therefore, this Court is not inclined to give any mandamus as sought for in this Writ Petition. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vji
To

1. The Superintending Engineer,
T.N.E.B., Villupuram Electricity Distribution Circle,
Villupuram.
2. The Chief Engineer,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.M.Fakkir Mohideen, Advocate sr.6593
+1cc to Mr.L.Chandrakumar, Advocate Sr.6380

W.P. No. 4212 of 2011

gmr[col]
srg 08/03/2021

सत्यमेव जयते

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