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IN THE HIGH COURT OF JUD9ICATURE AT MADRAS

DATED: 11.11.2021

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO.23907 OF 2021

B.Kannan

... Petitioner

Vs

1. The Tamil Nadu Electricity Board,
represented by its Chairman,
VII Floor, No.800
K.R.R.Maligai, Anna Salai,
Chennai - 2.
2. The Chief Engineer (Personnel)
The Tamil Nadu Electricity Board,
VIII Floor, No.800
K.R.R.Maligai, Anna Salai,
Chennai - 2.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai Sambuvarayar Distribution Circle,
Thiruvannamalai.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the claim of the petitioner for compassionate appointment in the light of the order made in W.P.No.1584 of 2001 dated 06.04.2004, W.P.No.25784 of 2010 dated 11.03.2011 and W.A.(MD) No.737 of 2013 dated 23.07.2013 within time frame.

For Petitioner : Mr.A.Malath Devapriyam

O R D E R

The case of the petitioner is that his father was an employee of the Tamil Nadu Electricity Board and he was stated to have died in accident on 22.08.1995 leaving behind his mother, his sister and brother as legal heirs. After the death



of his father, his mother appeared to have applied for compassionate appointment in 1996, as all the children were minors at that point of time. As the first application was not considered, another representation was made on 21.05.2001. A further representation was also submitted to the Hon'ble Chief Minister's Cell.

2. According to the petitioner herein that on his attaining the age of majority, his mother had submitted a representation in 2019 and the same not having evoked any response, the petitioner is before this Court with the prayer for issuance of writ of mandamus to direct the respondents to consider the claim of the petitioner for compassionate appointment.

3. From the above factual narrative, it may be seen that the father of the petitioner died as early as in 1995. Although the claim of the petitioner was that at that time he was minor, nevertheless he attained majority in 2002 itself and thereafter 18 years have gone by. Repeated representations do not extend the cause of action, which had originally arisen in 1995.

4. Moreover, the scheme of compassionate appointment stipulates three year limitation period for submission of application and consideration thereof. In the present case, even though the first of the representations was submitted by the mother of the petitioner in the year 1996, the petitioner has come before this Court only in 2021. It is needless to mention that the scheme for compassionate appointment contemplate immediate employment assistance to the family of the deceased employee and such offer of employment cannot be kept open for an indefinite period of time.

5. For the above said reasons, this Court finds that the claim of the petitioner herein is hopelessly time barred and such a stale claim cannot be entertained at this distance of time.

6. In the above circumstances, this Writ Petition stands dismissed at the admission stage. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

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Sub Assistant Registrar



To

1. The Chairman,
Tamil Nadu Electricity Board,
VII Floor, No.800
K.R.R.Maligai, Anna Salai,
Chennai - 2.
2. The Chief Engineer (Personnel)
The Tamil Nadu Electricity Board,
VIII Floor, No.800
K.R.R.Maligai, Anna Salai,
Chennai - 2.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai Sambuvarayar Distribution Circle,
Thiruvannamalai.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.58341

W.P. No.23907 of 2021

SS (CO)

PM/21/12/2021