



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20717 of 2021

(Through Video Conferencing)

N.Surya

... Petitioner

Vs

1.The Chairman cum Managing Director,  
Tamil Nadu Generation & Distribution  
Corporation (TANGEDCO),  
No.144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer (Personal),  
Tamil Nadu Generation & Distribution  
Corporation (TANGEDCO),  
No.144, Anna Salai, Chennai - 600 002.

3.The Secretary,  
Tamil Nadu Generation & Distribution  
Corporation (TANGEDCO),  
No.144, Anna Salai, Chennai - 600 002.

4.The Superintendent Engineer,  
Dharmapuri Electricity Distribution Circle,  
TANGEDCO, Dharmapuri - 5.

... Respondents

Prayer : 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 passed in Ka.No.000810/114/Ni.Bi.2/VU.1/Ko. Varisu Velai/2021 dated 22.06.2021 on the file of the fourth respondent quash the same and direct the respondent to provide an employment to the petitioner on compassionate ground.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.P.Subramanian

ORDER

The petitioner has challenged the impugned order of the respondent rejecting the request of the petitioner for being appointed on compassionate ground on account of the death of his



father Nagarajan who was employed with the respondents herein.

2.The petitioner's father Nagarajan died on 06.10.2016 when the petitioner aged about 19 years. Since the whereabouts of the petitioner's mother was not known, the petitioner was unable to secure a legal heir certificate from the Tahsildar's Office. Meanwhile, one Bhagyalakshmi claimed to be the wife of the petitioner's father. Under these circumstances, the petitioner along with his siblings were compelled to file O.S.No.178 of 2017 before the District Munsif, Thirupattur.

3.The said Court had ultimately decreed the suit by its judgment and decree dated 28.11.2019 pursuant to which the petitioner has also obtained a legal heir certificate on 26.05.2020 from the Tahsildar's Office, Thirupattur. The petitioner's name has been given as the 3<sup>rd</sup> son of his deceased father Nagarajan along with his siblings. The petitioner thereafter obtained a no objection from his siblings and filed an application for appointment on compassionate ground with the respondent on 17.02.2021.

4.The impugned order has been now passed by the 4<sup>th</sup> respondent on 26.06.2021 by rejecting the application of the petitioner on the ground that on the date of the death of the petitioner's father, the applicant should have been 18 years and should have completed 10 class and as such the application for being appointed on compassionate grounds should have been made within a period of three years from the date of deceased employee.

5.The learned counsel for the respondent submits that the petitioner is not entitled for appointment on compassionate grounds in the light of the fact that the application was filed beyond three years from the date of death of the petitioner's father on 06.10.2016. He therefore submits that the writ petition may be dismissed.

6.Heard the learned counsel for the petitioner and the respondent and perused the impugned order and the judgment and decree of the Trial Court in O.S.No.178 of 2017 which was decreed on 28.11.2019.

7.The fact of the matter is that even if an application was filed in time, the respondent would not have considered the application as there would have been a technical problem as the petitioner did not have a legal heir certificate from the Tahsildar office as another was claiming to be wife of his deceased father Nagarajan. The petitioner was ultimately driven to court and was able to get a judgment and decree from the Trial Court only on 28.11.2019 pursuant to which the legal heir certificate was issued only on 26.05.2020. The case of the



petitioner therefore deserves to be considered differentially. If the petitioner is otherwise eligible to be appointed on compassionate grounds in terms of the G.O.Ms.No.18 Labour & Employment (Q1) Department, dated 23.01.2020, the respondent shall overlook the limitation of three years in filing the application for appointment on compassionate grounds and consider the application of the petitioner favorably. Therefore, the impugned order is quashed and the case is remitted back to the 4<sup>th</sup> respondent to pass fresh order.

8.This writ petition is disposed by directing the respondent to consider the case of the petitioner within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner is otherwise eligible to be appointed on a compassionate grounds in terms of the G.O.Ms.No.18 Labour & Employment (Q1) Department, dated 23.01.2020 the respondent may suitably issue an order of employment to the petitioner.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

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TANGEDCO, Dharmapuri - 5.

+1CC to M/s.S.Doraisamy, Advocate, Sr.No.50070

+1CC to M/s.P.Subramanian, Advocate, Sr.No.50225

W.P.No.20717 of 2021

PMK(CO)  
SB(17/11/2021)