



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.8593 of 2021

R.V.Mariappan

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.
- 2.The Chief Engineer (Employment),
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-2.
- 3.The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Tamilnadu General and Distribution Corporation Limited,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records passed by the second respondent herein in Letter No.049364/361/G9/G.91/2019, dated 22.02.2019 and quash the same and consequently direct the respondents herein to consider the case of the petitioner for appointment on compassionate grounds.

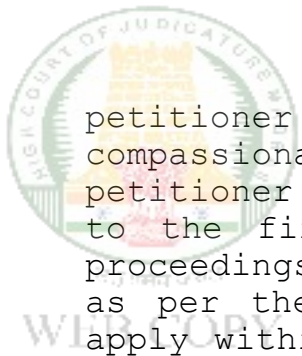
For Petitioner : Mr.K.Vamanan

For Respondents : Mr.T.Sakthikumaran

ORDER

The petitioner has filed this writ petition to quash the order of the second respondent in Letter No.049364/361/G9/G.91/2019, dated 22.02.2019 and for a direction to the respondents herein to consider the case of the petitioner for appointment on compassionate ground.

2. According to the petitioner, his father while working as Lineman in Kovilpatti Town East died on 22.11.2012, leaving the petitioner, his mother and sister as his legal heirs. The



petitioner made an application on 21.12.2015 for appointment on compassionate ground to the third respondent. Thereafter, the petitioner has sent representations, dated 15.06.2016 and 24.01.2019 to the first respondent. The first respondent by the impugned proceedings, dated 22.02.2019, rejected the same on the ground that as per the rules of the respondent Board, the petitioner has to apply within three years from the date of death of an employee and petitioner's application, after three years cannot be considered for appointment on compassionate ground. The petitioner has come out with the present writ petition challenging the said rejection order.

3. The learned counsel appearing for the petitioner submitted that rejection of application of the petitioner is arbitrary and illegal. The respondents ought to have considered the medical certificate of his mother. The petitioner made an application in the year 2015 with 30 days delay and the respondents ought to have considered the same. The respondents failed to consider the indigent circumstances of the petitioner's family and prayed for allowing the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. From the materials available on record, it is seen that the petitioner's father, who was working as Lineman, died on 22.11.2012. The petitioner made an application for appointment on compassionate ground on 21.12.2015. The said application was made after three years and one month of death of the employee, the father of the petitioner. The said application was rejected, on the ground of delay, in the year 2016 itself. The petitioner having received the said order, has not challenged the same immediately. Without challenging the order of rejection, the petitioner gave another representation, dated 24.01.2019. In the said representation, the petitioner has mentioned the rejection of his earlier representation in the year 2016. The petitioner has not stated anything about the rejection of the earlier application of the petitioner in the year 2016 in the affidavit filed in support of the above writ petition. The compassionate appointment is given to the member of the family of the deceased employee, who has lost the bread winner and get over the indigent circumstances. Compassionate appointment is not a mode of appointment, which can be considered after a lapse of many years. In view of the rejection of earlier application of the petitioner in the year 2016 itself, which is not challenged by the petitioner, there is no error in the impugned order of the respondents in rejecting the second application made after 7 years of death of an employee.



6. For the above reasons, the writ petition stands dismissed.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CSIII)

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-19364[F] dated 16/06/2021)

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