



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1235 of 2021

M.Gowri Shankar

... Petitioner

vs.

1.Tamil Nadu Generation and Distribution
Corporation Ltd.,

Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd.,

Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.

3.The Superintending Engineer, TANGEDCO,
Salem Electricity Distribution Circle,
Udayapatti, Salem -14.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to provide the petitioner forthwith appointment on compassionate ground, by treating that his father was a permanent employee as on the date of his death, within a specified time.

For Petitioner : Mr.R.Krishnaswamy

For Respondents: Mr.P.Subramanian,
Government Advocate for R1 to R3

O R D E R

The prayer in the writ petition is for a Mandamus directing the respondents to provide the petitioner forthwith appointment on compassionate ground, by treating that his father was a permanent employee as on the date of his death, within a specified time.



2. According to the petitioner, his mother Tmt.Nalini submitted an application dated 29.04.2013 seeking appointment on compassionate ground on the death of his father Late P.Murugan, who died in harness while in service on 24.05.2010, but the said application is kept pending. Therefore, the petitioner sent repeated representations on 13.01.2015, 09.04.2015, 27.08.2015, 22.02.2016 and on 25.04.2018, the petitioner submitted an application to provide him employment on compassionate ground. However, the respondents have not passed any orders either on the application submitted by the petitioner's mother or by the petitioner and therefore, he has filed the present writ petition.

3. The learned Standing Counsel for the respondents / TNEB submitted that the deceased / father of the petitioner was employed only as a Contract Labour and therefore, the petitioner is not entitled for appointment on compassionate ground.

4. Admittedly, in the case on hand, the respondents have not chosen to pass orders either on the application submitted by the petitioner's mother or by the petitioner. This Court is of the view that where applications are submitted seeking appointment on compassionate ground, it is the bounden duty of the respondents to pass orders within a reasonable time, but the respondents unfortunately are keeping the application pending for years together without passing any orders and therefore, decides to impose costs on the respondents for not passing any orders within a reasonable time.

5. Accordingly, this Court directs the respondents to consider the application submitted by the petitioner seeking appointment on compassionate ground on merits and pass orders as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order. It is made clear that on account of the delay in disposing of the application seeking compassionate ground appointment, the petitioner has been driven to approach this Court and incur litigation expenses and also put to mental agony and hardship and therefore, this Court imposes cost of Rs.2,000/- (Rupees Two Thousand Only) payable by the respondents officer concerned to the petitioner, within a period of three weeks from the date of receipt of a copy of this order.



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6. This Writ Petition stands disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Jvm
To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai-600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer, TANGEDCO,
Salem Electricity Distribution Circle,
Udayapatti, Salem -14.

+1cc to Mr.V.Ajoy.Khose, Advocate Sr.8120

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