



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5885 of 2022

R.Prasanth

...Petitioner

Vs.

1. The Chairman & Managing
Director,
Tamil Nadu Electricity Board,
No.144, Annasalai,
Chennai - 600 002.
2. The Chief Engineer (Establishment),
Tamil Nadu Electricity Board,
No.144, Annasalai,
Chennai - 600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution
Circle - West,
Chennai.

...Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus to direct the respondents No.2 and 3 to consider the petitioner's representation dated 04.12.2020 seeking Compassionate Appointment from the respondents.

For petitioner : MS.S.Benazir

For respondents : Mr.P.Subramanian
Standing Counsel

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 04.12.2020 and to give employment to the petitioner under compassionate ground.



2. The case of the petitioner in brief:

The petitioner is son of the deceased employee namely S.Rajendran who had been working as Wireman in Tamil Nadu Electricity Board and while he was in service, died on 05.05.2003. The petitioner's mother submitted an application seeking employment under compassionate ground, but it was not considered. At the time of death of his father, the petitioner was very young and after attaining majority during the year 2014, he gave application seeking employment, since his mother is not well. The petitioner gave several representations and last such representation is dated 04.12.2020. However, no fruitful remedy from the respondents. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that after death of the petitioner's father, his mother gave representation seeking employment. Therefore, the present representation given by the petitioner should not be considered as a fresh one and the respondents may be directed to give employment to the petitioner.

4.The learned Standing Counsel appearing for the respondent submitted that, as per G.O.Ms.No.18 dated 23.01.2020, when a person who gave application seeking employment under compassionate ground is alive, alternative application seeking employment to the another legal heir of the deceased, cannot be entertained. Therefore, the claim of the petitioner cannot be entertained.

5.It is pertinent to note in the Government Order in G.O.Ms. No.18 dated 23.01.2020, with regard to the alternative application, it has been held thus.

Alternative Application: If the applicant (legal heir of deceased Government Servant) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased Government Servant, subject to conditions prescribed for compassionate ground appointment.

6. Therefore, in the light of the above Government Order, there is no merits in the writ petition and hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mst



To

1. The Chairman & Managing Director,
Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai - 600 002.
2. The Chief Engineer (Establishment),
Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai - 600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle - West,
Chennai.

+1cc to M/s.S.Benazir, Advocate, S.R.No.17571

+1cc to Mr.P.Subramanian, Advocate, S.R.No.17589

W.P.No.5885 of 2022

AJS (CO)
RGA (04/04/2022)