

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.794 of 2022

T.Prabavathi

... Appellant

Vs.

1.The Chief Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
N.P.K.R.R. Maaligai,
144, Annasalai, Chennai – 600 002.

2.The Superintendent of Police,
Tamil Nadu Generation and Distribution
Corporation Limited,
Trippur District, Trippur.

3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Palladam Taluka, Trippur District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order of this Court in W.P.(MD)No.22508 of 2022, dated 07.03.2022.

For Appellant :Mr.A.Haja Mohideen

For Respondents :Mr.S.Arivalagam

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dismissing the Writ Petition filed by the appellant in W.P.(MD)No.22508 of 2022 by order, dated 07.03.2022.

2.Heard Mr.A.Haja Mohideen, learned Counsel for the appellant and Mr.S.Arivalagan, learned Standing Counsel, who takes notice on behalf of the respondents. By consent of both parties, the above Writ Appeal is taken up for final disposal at admission stage itself.

3.The appellant's father, Mr.V.Thanasekaran, was employed as a Revenue Superintendent in the office of the third respondent and died in a road accident on 16.08.2014. It is admitted that the appellant was a minor at that time. The appellant submitted an application on 16.12.2015 seeking compassionate appointment and the said application was rejected on the ground that the appellant had not attained the age of majority. Thereafter, the appellant submitted an application on 05.03.2021. The said application was also rejected on the ground that the application seeking compassionate appointment after the lapse of

seven years from the date of death of the deceased employee cannot be entertained.

4.Challenging the order rejecting the application of the appellant, the appellant filed a Writ Petition in W.P.(MD)No.22508 of 2021. Learned Single Judge, after referring to the judgments of Honourable Supreme Court in the case of **(1) State of Uttar Pradesh and others vs. Premlatha, reported in (2022) 1 SCC 30** and **(2)H.P. vs. Shashi Kumar reported in (2019) 3 SCC 653**, dismissed the said Writ Petition. Challenging the same, the present Writ Appeal is filed.

5.The Full Bench of this Court considered the scope of providing compassionate appointment outside the scheme framed by the Government or the establishment. After considering the several judgments of Honourable Supreme Court, the Full Bench expressed view that the application, which cannot be considered within the scheme framed by Government, cannot be entertained. There is no provision in the scheme to entertain the application beyond three years eventhough it is a case where the minor filing application after attaining majority.

6.It is to be noted that the Honourable Supreme Court and the Full Bench of this Court, of-course, has observed that it is for the

Government to consider exceptional cases in which there can be relaxation. However, the uniform view is that the application, which cannot be considered within the scheme for giving appointment on compassionate ground, cannot be entertained till such time the Government or establishment modify the scheme for the grant of exemption in certain cases. Hence, this Court find no merit in this appeal. Accordingly, this Writ Appeal is dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
02.08.2022

Index : Yes / No

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