



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10194 of 2021

WEB COPY

Santhakumar

... Petitioner

vs.

The Superintending Engineer

TANGEDCO

Electricity Distribution Division

Pudukkottai District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to impugned order dated 12.01.2021, vide Letter No.09118/NePe/Ne.Me.1/Oo.4/Ko.Va.Velai/2021, passed by the respondent and quash the same as arbitrary and illegal and consequently direct the respondent to appoint the petitioner in suitable job under compassionate appointment .

For Petitioner : Mr.Baalasundharam.K.

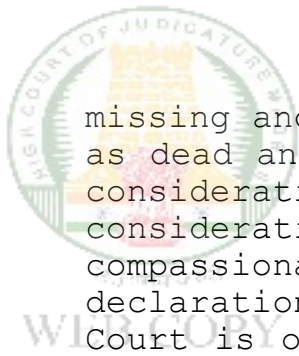
For Respondent : Mr.S.Arivalagan, Standing Counsel

O R D E R

The order of rejection, dated 12.01.2021, passed by the respondent, rejecting the claim of the petitioner for compassionate appointment, is under challenge in this writ petition.

2. The father of the petitioner, namely, Frank Felix Abraham served as Assessor in the office of the Assistant Engineer, TANGEDCO, Keeranur, Pudukkottai District and he went missing. A criminal case in this regard was registered. However, the Police Authorities have issued a non-traceable certificate. The petitioner subsequently filed a civil suit for declaration in O.S.No.176 of 2011 and obtained a decree of declaration declaring that his father was missing for more than seven years and therefore, he deemed to have been died. Based on the declaration, the petitioner submitted an application for compassionate appointment. The Authorities rejected the application vide proceedings dated 12.01.2021, on the ground that the decree of declaration was issued on 10.09.2013 and the petitioner's father, as per the service records, was due for retirement on 31.07.2013.

3. This Court is of the considered opinion that the Civil Court declaration must be considered with reference to the date of



missing and declaration has been issued declaring the missing person as dead and therefore, the date of declaration cannot be taken into consideration and the date of missing is to be taken into consideration for the purpose of dealing with the application for compassionate appointment. In the present case, the date of declaration has been taken into consideration. Therefore, this Court is of the considered opinion that the case of the petitioner is to be reconsidered with reference the eligibility.

4. Accordingly, the writ petition is allowed and the order dated 12.01.2021, passed by the respondent, is set aside. The matter is remanded back to the respondent for fresh consideration. The petitioner is at liberty to submit all the documents to the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to consider the petitioner's application afresh with reference to the scheme of compassionate appointment and the eligibility criteria fixed as well as the documents submitted by the petitioner and pass orders on merits and in accordance with law, within a period of eight weeks thereafter. No costs.

Sd/-

Deputy Registrar (LA&MC)

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/ /2022

Sub Assistant Registrar(CS)

krk

To:

The Superintending Engineer
TANGEDCO
Electricity Distribution Division
Pudukkottai District.

W.P. (MD) No.10194 of 2021

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