



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10764 of 2021

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M.Palanisamy

... Petitioner

vs.

1.The Chief Engineer (Personnel)

TANGEDCO

8th Floor, Eastern Wing

NPKRR Maaligai

Anna Salai, Chennai-2

2.The Superintending Engineer

TANGEDCO

Distribution Division

Pudukottai Division

Pudukottai

Pudukottai District

3.The Executive Engineer

TANGEDCO

Aranthangi Distribution Division

Aranthangi Division, Aranthangi

Pudukottai District

... Respondents

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 the impugned proceedings of the 2nd respondent in his proceedings in Ka.No.002876/Ni.Aa/Ne.Pe.1/uthavi4/Ko.Varisu Vellai 2021, dated 29.04.2021 and quash the same as illegal and consequently direct the 2nd respondent to provide an employment on compassionate basis to the petitioner in the respondents department on his educational qualification within a time frame stipulated by this Court.

For Petitioner : Mr.Sarvagan Prabhu

For Respondents : Mr.S.Arivalagan, Standing Counsel

O R D E R

The order of rejection, dated 29.04.2021, passed by the second respondent, rejecting the claim of the petitioner, is under challenge in this writ petition.

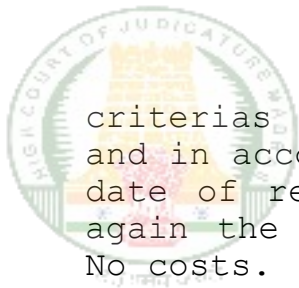


2. The father of the petitioner was working as Line Inspector in the respondent - TANGEDO and died on 26.04.2016, while he was in service. The petitioner submitted an application on 25.04.2019 seeking appointment on compassionate grounds and it was not considered. Thus, the petitioner filed W.P.(MD) No.10146 of 2020 and this Court, by order dated 27.08.2020, considered the issue regarding the period of three years for submission of application for compassionate appointment. Paragraph Nos.10 and 11 of the said order are extracted hereunder:

"10.Even according to the impugned order, since the respondents have taken 31.07.2019 is the date of application, therefore, the delay was only 2 months 11 days. However, it is the strong claim of the petitioner that, the application was submitted in persons to the second respondent office on 25.04.2019. The copy of the application, dated 25.04.2019 along with the necessary documents and format application also had been filed before this Court in the typed set of papers. One of such document is, the certificate issued by the Tahsildar, dated 24.04.2019. Therefore only after getting such certificate from the Tahsildar on the previous date i.e., on 24.04.2019, the petitioner made an application on 25.04.2019, where he has submitted all other documents. 11.Therefore, in all fairness the said application shall be taken into account by the respondents."

3. Accordingly, the respondents have taken the application on file and rejected the same by the impugned order dated 29.04.2021. By the said order, again the respondent have rejected the claim of the petitioner on the ground of delay in submitting the application. Once the issue relating to entertainment of the application was adjudicated in a writ proceedings and the Court given findings holding that the application was submitted within a period of three years, again the said ground cannot be a ground for rejection of the application. No doubt, the Authorities are bound to verify the other eligibility criterias contemplated under the scheme of compassionate ground and decide the case on merits and in accordance with law. Contrarily, they cannot reject the application on the ground of delay in submission of application, which was already adjudicated and findings were given by this Court.

4. Accordingly, the writ petition is allowed and the order dated 29.04.2021, passed by the second respondent, is quashed. The matter is remanded back to the respondents for fresh consideration. The respondents are directed to verify the other eligibility



criteria contemplated under the scheme and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that again the application should not be rejected on the ground delay. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-9893[F] dated 03/03/2022)

W.P. (MD) No.10764 of 2021

03.03.2022

RK(11/03/2022) 3P 5C