



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 9427 of 2019

R.Uma

... Petitioner

Vs.

The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order of the respondent in Letter Ka.No.005769/127/NI.A/NI.Pi.3/U.3/Koo.Vaa.Velai/2018 dated 21.06.2018 and quash the same and consequently direct the respondent to provide employment to the petitioner on compassionate ground.

For Petitioner : Mr.K.K.Udayakumar
for Mr.H.Arumugam
For Respondent : Mr.S.Arivalagan

O R D E R

The reason stated for rejection of compassionate appointment in the impugned order is that the application was submitted after a lapse of 14 years and 10 months from the date of death of the deceased employee. The another reason for not providing appointment is that the wife of the deceased employee who submitted an application seeking compassionate appointment was not eligible to be appointed.

2. Undoubtedly, the scheme of compassionate appointment is to be implemented strictly in its terms and conditions. Any dilution in following the terms, the same will result in infringement of all rights of the citizen of our great nation. Such infringement would lead to unconstitutionality. Thus, equal opportunity in public employment must be ensured at all times and every such appointment is to be made by following the procedures contemplated in Service Rules and by way of open competitive process and by following the rule of reservation. The scheme of Compassionate appointment is a concession and cannot be a right. The concession cannot exceed the main stream and in the event of extending the concession, the same



would result in denial of public employment to many eligible candidates who are all longing to secure public employment through open competitive process. Thus, Courts are expected to be slow in granting appointment on compassionate ground or grant relief on misplaced sympathy. Such misplaced sympathy may mislead on many occasions and would result in denial of rights to large number of persons who are all waiting in the que. Thus, the scheme is to be implemented cautiously and even the Government has to restrict the scheme only to provide appointment to most deserving families who are all not in a position to lead their livelihood. This being the principles to be adopted, the reasons stated in the impugned order is in consonance with the terms and conditions of the scheme.

3. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-5117[F] dated 09/02/2022)

+1 CC to M/s.S.ARIVALAGAN, Advocate (SR-5156[F] dated 09/02/2022)

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MGJ(22.02.2022) 2P 4C