



W.P.(MD)No.28810 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28810 of 2022

and

W.M.P.(MD)No. 22785 of 2022

S.Naveen Kumar

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Dindigul Electricity Distribution Circle,
Meenakshinayakanpatti,
Dindigul – 624 002.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 3rd respondent Superintending Engineer in Ka.En.012039/229/N.P.II/E.Ne.U1/Ko.Va.VE/ 2021, dated 02.08.2021 and quash the same and consequently direct the 2nd respondent Chief Engineer Personnel to re-consider the petitioner's representations dated 13.10.2020 and 04.05.2021.

For Petitioner : Mr.R.Muralikrishnan

For Respondents : Mrs.M.Parameshwari

ORDER

This writ petition has been filed to quash the impugned order passed by the 3rd respondent Superintending Engineer in Ka.En. 012039/229/N.P.II/E.Ne.U1/Ko.Va.VE/ 2021, dated 02.08.2021 and consequently direct the 2nd respondent Chief Engineer Personnel to re-consider the petitioner's representations, dated 13.10.2020 and 04.05.2021.



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2. The learned counsel for the petitioner submitted that the petitioner's father namely, Late.S.Sekar was working as Contract Labour and subsequently, absorbed as Mazdoor in the respondent Management in the year 2013. However, subsequently, the petitioner's father died on 18.05.2014 and on the same day, the petitioner's mother also died leaving behind the petitioner and his sister, who were aged about 12 years and 7 years, respectively. The petitioner's father was under CPS scheme and there was no provision for family pension. Hence, the petitioner and his sister become orphans and there were no other relatives to take care of them and they started their living with their grand mother, who is a widow, aged about 70 years and earned her livelihood by way of daily wages. The petitioner completed S.S.L.C in the year 2017. Thereafter, he applied for the compassionate ground appointment vide letters, dated 31.03.2017. 19.06.2017 and 16.07.2017 within the period of three years from the date of death of his father. However, the said application was rejected on 02.08.2021 stating that the petitioner has not completed 18 years of age while applying the post. Challenging the same, the present writ petition is filed.



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3. The learned counsel for the petitioner would further submit that it is true that fresh guidelines have been issued for compassionate ground appointment vide proceedings No.11, dated 11.11.2020, as per the order passed by this Court and the scheme includes the prescribed qualification and time limit for making the application. The time limit is prescribed in the scheme is three years and the age is 18 years. But at the relevant point of time, the petitioner's father and mother passed away and no one was take care of the petitioner and his sister. In the similar situation, without invoking power available under Clause 12(iv) of the Scheme, providing necessary relaxation in deserving cases, mechanically they passed the rejection order, which is not sustainable one. Hence, this Court may permit the petitioner to submit a fresh application in terms of Clause 12(iv) of the Scheme for compassionate ground appointment and issue further direction to the respondents to consider the application afresh and pass appropriate orders, without reference to the earlier rejection order, dated 02.08.2021 in terms of above said provision. Accordingly, he prayed for appropriate orders.



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4. The learned Standing Counsel appearing for the respondents would submit that the Superintendent Engineer has no power to exercise its discretion. The power is available only with the Chief Engineer / second respondent. Hence, this Court may direct the petitioner to file a fresh application before the Chief Engineer/second respondent for fresh consideration.

5. The facts in the present case are not in dispute. Admittedly, the petitioner's father and mother passed away on the same day and no one was taking care of the petitioner and his sister and they are under the shelter of his grand mother, who is aged about 70 years.

6. In view of the fair submission made by the learned Standing counsel appearing for the respondents and considering the pathetic situation of the petitioner, the petitioner is directed to file a fresh application before the Chief Engineer /second respondent within a period of four weeks from the date of receipt of a copy of this order and thereafter, the Chief Engineer /



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second respondent is directed to pass appropriate orders by invoking power available under Clause 12(iv) of the Scheme in proceedings No.11, dated 11.11.2020, without reference to the earlier rejection order dated 02.08.2021 within a period of twelve weeks thereafter.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.12.2022

Index : Yes / No

Speaking Order : Yes / No

RM



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M.DHANDAPANI,J.

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