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W.P.No.13307 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.13307 of 2021

M.Seetha

/vs/

Petitioner

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 02.
2. The Chief Engineer / Personal,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 02.
3. The Superintending Engineer,
(Purchase and Administration),
North Chennai Thermal Power Station – I,
Chennai – 600 120.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the third respondent in Ku.No.6329/Me.Po/Ko (M) Ni /Nipi.2/Ni.1 /Ko.Va.Vae/ 2020 dated 21.09.2020 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner's son, namely Thiru.M.Kishore Kumar on compassionate grounds.



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For Petitioner ... Mr.S.N.Ravichandran

For Respondents ... Mr. A.David Sundar Singh
Standing Counsel for TNEB

ORDER

This Writ Petition has been filed for the issuance of a writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the third respondent in Ku.No.6329/Me.Po/Ko (M) Ni /Nipi.2/Ni.1 /Ko.Va.Vae/ 2020 dated 21.09.2020 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner's son, namely Thiru.M.Kishore Kumar on compassionate grounds.

2. The learned counsel for the petitioner submitted that the petitioner's husband one J.Mohan was working as a Junior Engineer (Grade-I) in the respondent board and he died in harness on 30.07.2014 by leaving behind the petitioner, his mother and two children; after the demise of Mohan, his wife, the petitioner herein, had given an application to the third respondent for compassionate appointment on 31.03.2017 on behalf of her son Kishore Kumar; at that point of time, the son of the petitioner



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was a minor and hence the application was returned on 10.04.2017; after the petitioner attained majority on 03.11.2018, the application was resubmitted on 12.06.2019 by stating that at the time of resubmission the petitioner's son was a major; the third respondent by order dated 21.09.2020 has rejected the said request by stating that on the date when the application was filed, the petitioner's son was a minor and as per the rules, such applications cannot be considered. Aggrieved over the same, the petitioner had filed this Writ Petition.

3. The representation of the petitioner dated 12.06.2019 has been considered as a fresh request. In the order dated 21.09.2020, it is stated that the application dated 31.03.2017 was received in the office of the third respondent on 06.04.2017. However, on perusal of the order dated 10.04.2017, it is seen that the application of petitioner was not rejected but returned by stating that the application can be renewed after the petitioner's son attain majority. There is no quarrel on the point that the petitioner's son, as on the date when the application was resubmitted on 12.06.2019, has attained majority.



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4. In this regard it is relevant to cite the judgment of the Hon'ble Supreme Court held in **Chief Engg. T.N.Electricity Board & Anr. Vs. Indiraniammal in C.A.No.2039 of 2006** wherein the Hon'ble Supreme Court has set aside the judgment of the Division Bench of High Court Madras wherein the entitlement of the petitioner to get a compassionate appointment subsequently attaining majority was rejected. The relevant portion of the said judgment would read as under :

“ The Division Bench of the High Court has reversed the judgment of the learned Single Judge only on the ground of delay who directed compassionate appointment to the appellant. The appellant was a minor at the time of the death of his father and since the mother of the appellant applied within time. We are of the opinion that the appellant after becoming major should have been granted compassionate appointment.”

5. The judgment of the Hon'ble Supreme Court in **Chief Engg. T.N.Electricity Board & Anr. Vs. Indiraniammal in C.A.No.2039 of 2006** is squarely applicable to the present case of the petitioner. Taking into consideration of the said fact and also in the light of the above judgment of the Hon'ble Supreme Court, the petitioner's son should be provided with suitable employment on compassionate grounds.



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6. With the above observation, this Writ Petition is allowed and the order passed by the third respondent in Ku.No.6329/Me.Po/Ko (M) Ni /Nipi.2/Ni.1 /Ko.Va.Vae/ 2020 dated 21.09.2020 is hereby quashed and the respondents are directed to provide suitable employment to the petitioner's son, namely Thiru.M.Kishore Kumar on compassionate grounds as expeditiously as possible. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
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