



W.P.No.15040 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.15040 of 2021

J.Rajavalli

/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.
4. The Executive Engineer / Operation,
230 K.V. Sub-Station,
Thandaiyarpur,
Chennai – 81.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari mandamus calling for the entire records connected with the impugned order passed by the third respondent in Ka.No. 000639/ Oo.Ni.A/ Ni.Pi.IV/ Uthavi.3/ Ko.Va.Vae /2017 dated 23.03.2017 and Ka.No.016861/ Mae.Po./ Se.Mi.Pa.Va/ Nir.A/Ni.Pi.IV/



W.P.No.15040 of 2021

U.3/ Ko.G.A. /2020 dated 12.10.2020 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner's daughter, namely Selvi.J.Lavanya on compassionate grounds.

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 Ka.No. 000639/ Oo.Ni.A/ Ni.Pi.IV/ Uthavi.3/ Ko.Va.Vae /2017 dated 23.03.2017 and Ka.No.016861/ Mae.Po./ Se.Mi.Pa.Va/ Nir.A/Ni.Pi.IV/ U.3/ Ko.G.A. /2020 dated 12.10.2020 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner's daughter, namely Selvi.J.Lavanya on compassionate grounds.

2. The learned counsel for the petitioner submitted that the petitioner's husband one Jagan who worked as Wireman with the respondent department died on 08.10.2014 while in harness; the petitioner



W.P.No.15040 of 2021

had given an application for compassionate appointment on 18.01.2017 on behalf of her daughter J.Lavanya; the said application was rejected by the third respondent on 23.03.2017 on the ground that the petitioner's daughter has not attained the age of majority; however the petitioner had submitted an another application on 20.12.2018 along with the proof to show that her daughter has attained majority on 20.08.2018; even though the petitioner's daughter was a minor on 18.01.2017, when the application was filed initially, she had attained majority on 20.08.2018 and the request was renewed; however the third respondent by order dated 12.10.2020 had once again 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. In the order dated 23.03.2017, the application of petitioner was rejected by stating that the petitioner's daughter did not attain majority as on the date of application. Thereafter, the petitioner resubmitted the application on 02.04.2021. The third respondent, by order dated



W.P.No.15040 of 2021

12.10.2020, again rejected the application by stating that the time limit of three years for seeking compassionate appointment has been over before the petitioner's daughter attained majority. There is no quarrel on the point that the petitioner's daughter, as on the date when the application was resubmitted on 20.12.2018, has attained majority.

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.**



W.P.No.15040 of 2021

T.N.Electricity Board & Anr. Vs. Indiraniammal in C.A.No.2039 of

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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 daughter should be provided with suitable employment on compassionate grounds.

6. With the above observation, this Writ Petition is allowed and the order passed by the third respondent in Ka.No.000639/ Oo.Ni.A/ Ni.Pi.IV/ Uthavi.3/ Ko.Va.Vae /2017 dated 23.03.2017 and Ka.No.016861/ Mae.Po./ Se.Mi.Pa.Va/ Nir.A/Ni.Pi.IV/ U.3/ Ko.G.A. /2020 dated 12.10.2020 are hereby quashed and the respondents are directed to provide suitable employment to the petitioner's daughter, namely Selvi.J.Lavanya on compassionate grounds as expeditiously as possible. No costs.

18.10.2023

Index: Yes / No
Speaking order / Non-speaking order
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W.P.No.15040 of 2021

R.N.MANJULA ,J.

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W.P.No.15040 of 2021

18.10.2023