



WEB COPY



W.P.No.5086 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.5086 of 2014
and M.P.No.1 of 2014

N.Venkatesan

..Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Ltd.
Rep. by the Chairman, No.144, Anna Salai, Chennai-600 002

2.Tamil Nadu General and Distribution Corporation Ltd.,
Rep. by the Chief Engineer (Personnel)
No.144, Anna Salai, Chennai-600 002

3.The Superintending Engineer
Vellore Electricity Distribution Circle
Vellore

4.The Executive Engineer (O&M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Arakkonam

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a writ of certiorarified mandamus calling for the entire records



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connected with the impugned orders passed by the 3rd respondent in Lr.No.20864/Ni.Pi.3/Vu.1/Ko.Varisu.Velai/2011 dated 17.09.2011 confirming the order in Lr.No.003810/88/No/Pi.3/Vu.5/06 dated 21.02.2006 and quash the same and direct the respondents to provide suitable employment to the petitioner on compassionate ground.

For petitioner :: Mr.S.N.Ravichandran

For respondents :: Mr.K.Rajkumar

ORDER

This writ petition is filed praying to quash the order passed by the 3rd respondent dated 17.09.2011 whereby, the petitioner's request for compassionate appointment was rejected.

2. It is averred in the writ petition that petitioner's father who was working as Wireman in the respondent department, died in harness on 09.05.1996. It is submitted by the petitioner that petitioner's mother being an illiterate lady made representation to the 3rd respondent in person requesting for compassionate appointment. Again made representation on 25.3.1998, requesting compassionate appointment and that was rejected by the 3rd respondent.

3. It is the submission of the petitioner counsel that the petitioner



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made an application seeking compassionate appointment after he attaining the age of 18 years and the said application could have been treated as representation made within time limit and ought not to have been rejected.

4. According to the petitioner, he could not approach the appropriate forum within the time limit due to poverty. As per TNEB Service Regulations 91(2)(a), the candidate should have attained 18 years to become eligible to seek employment. Since the petitioner was aged 3 years at the time of death of his father and he applied for compassionate appointment only after attaining 18 years, his claim for compassionate appointment need not be denied.

5. Mr.K.Rajkumar, learned counsel appearing for the respondents supported the impugned order and submits that as per the guidelines of the Respondent-Department, the application of the petitioner has been rejected and the same need not be interfered with.

6. This court heard submissions of both sides counsel. The Honourable Division Bench of this Court in W.A.No.1749 of 2019 (Sudhanthira Devi vs. The State of Tamil Nadu and others), by Judgment dated 03.09.2019, following the decisions of the Honourable Supreme Court, has



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held that applications for compassionate appointment submitted beyond the period of three years cannot be entertained.

7. It is well settled law that compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over. Therefore, in view of the above settled legal position, the claim of the petitioner made beyond the prescribed period of three years cannot be entertained and it deserves to be rejected. Accordingly, the writ petition is dismissed. No costs.

03.01.2023

nvsri



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To

1.The Chairman, Tamil Nadu Generation and Distribution Corporation Ltd.
No.144, Anna Salai, Chennai-600 002

2.The Chief Engineer (Personnel)

Tamil Nadu General and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002

3.The Superintending Engineer

Vellore Electricity Distribution Circle
Vellore

4.The Executive Engineer (O&M)

Tamil Nadu Generation and Distribution Corporation Ltd.,
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J.NISHA BANU, J.

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