



WEB COPY



W.P.No.22963 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22963 of 2023

S.Silambarasan

... Petitioners

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board (Distribution)
Kallakurichi and District.

2.The Assistant Engineer,
Tamil Nadu Electricity Board (Distribution)
Thiyagadurugam,
Kallakurichi Taluk and District.

3.The Superintendent,
Tamil Nadu Electricity Board,
Administrative Branch,
800, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent in Ka.No. 1683/59/MePo/Kamipava/kallai/nipi.2/uu.5/Ko.VaaVe/2020, dated 21.07.2020, and quash the same and to consequently direct the 1st respondent, namely the Superintending Engineer, Tamil Nadu Electricity Board (Distribution), Kallakurichi and Taluk to offer a suitable job for the petitioner on compassionate grounds.



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For Petitioner : Mr.A.G.Rajan
For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the order of the 1st respondent, dated 21.07.2020, rejecting the application of the petitioner for compassionate appointment.

2.It is the case of the petitioner that his father died in harness on 10.01.2012. Immediately thereafter, since the petitioner was a minor at that time, the petitioner's mother gave an application dated 04.05.2012 for compassionate appointment. However, the same was not considered. Thereafter, the petitioner, on attaining majority, submitted his application for compassionate appointment on 21.08.2017, however, the same was rejected by the 1st respondent, vide order dated 04.10.2017, stating that the petitioner has not made his application within three years from the date of death of his father. Thereafter, once again, the petitioner submitted his application on 22.06.2020 and the same was rejected by the 1st respondent vide impugned order dated 21.07.2020, citing the same reason.



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Challenging the same, the present writ petition is filed.

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3.Heard the learned counsel for the petitioner and Mr.K.Rajkumar, learned Standing Counsel, who takes notice for the respondents.

4.At the outset, a perusal of the impugned order makes it clear that the application for compassionate appointment has been made by the petitioner after a lapse of 8 years and 5 months from the date of death of his father. Though it is stated by the petitioner that the previous application for compassionate appointment was made by his mother/widow of the deceased on 04.05.2012, it is relevant to note that the same ought to have been pursued by the petitioner's mother. Compassionate appointment cannot be claimed as a matter of right and it is only a concession extended by the Government to alleviate the distress of the family immediately after the death of the Government servant. In such view of the matter, the petitioner's mother, having filed an application for compassionate appointment, ought to have pursued the same and such a benefit cannot be postponed, till the minor attains majority, or at the choice of the applicant.



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5. Therefore, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

04.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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Kallakurichi and District.

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N. SATHISH KUMAR, J.
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