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W.P.No.28018 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

W.P.No. 28018 of 2019

N.Vijayaraj

... Petitioner

Versus

1.The Chairman,  
Tamil Nadu Generation & Distribution  
Corporation Ltd, (TANGEDCO)  
No.144, Anna Salai,  
Chennai-600 002.

2.The Chief Engineer,  
Personnel,  
Tamil Nadu Generation & Distribution  
Corporation Ltd, (TANGEDCO)  
No.144, Anna Salai,  
Chennai-600 002.

3. The Superintending Engineer,  
Dharmapuri Distribution Division,  
Tamil Nadu Generation & Distribution  
Corporation Ltd, (TANGEDCO)  
Dharmapuri, Dharmapuri District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorari Mandamus, calling for the records of impugned order dated 03.11.2018 in letter No.061606/530/G8/G81/2017 passed by the 2<sup>nd</sup> respondent and quash the same, consequently, direct the respondents to appoint the petitioner under compassionate ground in the 3<sup>rd</sup>



WEB COPY



W.P.No.28018 of 2019

respondent Division in order to protect his family livelihood forthwith.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Rajkumar  
Standing Counsel (TANGEDCO)

### **ORDER**

This writ petition has been filed seeking issuance of a writ of Certiorarified mandamus to quash the impugned order dated 03.11.2018 in letter No.061606/530/G8/G81/2017 passed by the 2<sup>nd</sup> respondent and consequently, direct the respondents to appoint the petitioner under compassionate ground in the 3<sup>rd</sup> respondent Division.

2. The case of the petitioner is that his father was working as Line Inspector in the 3<sup>rd</sup> respondent division and died on 20.01.2012 while he was in service. It is the specific case of the petitioner that the 2<sup>nd</sup> respondent has passed the impugned order dated 03.11.2018 refusing the compassionate appointment on the ground that the petitioner had not passed the 8<sup>th</sup> standard in April 2016 and the application made post completion of his 8<sup>th</sup> standard was beyond three years. He further states that his father died on 20.01.2012 and within three years, the petitioner's mother made an application for compassionate ground on 10.11.2014. The petitioner gave a representation on 24.10.2016 for which the 2<sup>nd</sup> respondent sent a reply on 16.11.2016,



W.P.No.28018 of 2019

pursuant to which, the 3<sup>rd</sup> respondent requested the 2<sup>nd</sup> respondent to consider the petitioner's appointment on compassionate ground and pass orders.

However, on 03.11.2018, the 2<sup>nd</sup> respondent passed the impugned order rejecting the case of the petitioner on two grounds, namely on the relevant date of consideration, the petitioner had not completed his 8<sup>th</sup> standard and even assuming his fresh representation which was made can be taken into account, the same was beyond three years.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel(TANGEDCO) for the respondents and perused the materials available on records.

4. While advancing the arguments, the learned counsel for the petitioner would rely upon the Hon'ble Division Bench judgment of Madurai Bench of this Court in ***W.A.(MD).No.737 of 2013 reported in 2013 8 MLJ 190***. The facts in the said case are almost identical in the present cases. Even in the case before the Hon'ble Division Bench, the appointment sought for on compassionate ground was rejected on the ground that the petitioner had not completed 8<sup>th</sup> standard and the Hon'ble Division Bench held that the application submitted beyond three years of the death of the father cannot be



W.P.No.28018 of 2019

put against the petitioner to disentitle him from seeking appointment on compassionate ground. The Hon'ble Division Bench held that the 1<sup>st</sup> application made by the mother when the petitioner was a minor should be considered as representation made in time i.e., within three years and the subsequent application to be treated as a continuation of the 1<sup>st</sup> application given in time.

5. In view of the above said ratio laid down by the Hon'ble Division Bench, this writ petition also deserves to be entertained. Accordingly, this writ petition is allowed and the respondents shall consider appointing the petitioner on compassionate ground to any of the post commensurate with his qualification, namely 8<sup>th</sup> standard. The respondent shall carry out this exercise within a period of eight weeks from the date of receipt of a copy of this order No costs.

**30.06.2023**

Index: Yes/ No  
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**P.B.BALAJI, J.,**



WEB COPY



W.P.No.28018 of 2019

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