



W.P.(MD).No.6410 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6410 of 2023

C.Ajin Chella Prabhu

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Kanyakumari Electricity Distribution Circle,
Nagercoil.

2.The Assistant Engineer,
Distribution – I,
TANGEDCO,
Thuckalay,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in கடித எண்.001201/1178/நிர்/ம3/2021 dated 19.03.2021 and quash the same as illegal, consequently direct the respondents to consider the petitioner's case for compassionate appointment by considering his application dated 09.03.2021.



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For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.S.Arivalagan,
Standing Counsel.

ORDER

This Writ Petition is filed challenging the impugned order dated 19.03.2021 with a consequential relief to direct the respondents to consider the petitioner's case for compassionate appointment by considering his application dated 09.03.2021.

2. The petitioner's father was working as Foreman (Grade-I) in the second respondent office. While in service, he had stroke on 28.08.2018. Based on medical report, the second respondent vide order dated 30.09.2019 relieved the petitioner's father from service. Subsequently, the petitioner made an application dated 09.03.2021 for granting compassionate appointment. The respondents have considered the petitioner's case based on B.P. (FB) proceedings dated 09.10.2001 and rejected the claim of the petitioner vide impugned order dated 19.03.2021 stating that the petitioner's father has crossed the age of 53. According to the Rules, an employee who was relieved from the service on account of medical invalidation or on death should have possessed 5 more years of service, then only his legal heirs application for compassionate appointment would be considered. In the said B.P. proceedings, it has been



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specifically stated that the employee should be below the age of 53. The respondents ought to have considered the petitioner's case based on the subsequent Government Orders, in which the State Government has extended the retirement age of the employee from 58 years to 60 years. The impugned order is passed in the year 2021.

3. Therefore, this Court is of the considered opinion that the respondents ought to consider the petitioner's case based on the subsequent amendment passed by the Government for the scheme of compassionate appointment. Therefore, the impugned order is liable to be quashed based on the subsequent development and hence, the impugned order is quashed. The respondents shall consider the petitioner's application within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is allowed. No costs.

24.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

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S.SRIMATHY, J.

Nsr

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