



W.P.(MD).No.12183 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.12183 of 2022

R.Bala Guru

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Madurai Electricity Distribution Circle,
Madurai-7,
Madurai District.

2.The Assistant Engineer,
TANGEDCO,
K.K.Nagar,
Madurai 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 in Ka.No: Me.Po/ Ma.Mi.Pa.Va./ Peru/Mdu/Ni.A/Ni.Pi2/ Ni.U2/ Ko. Compassionate Appointment/ A.No. 5709/2021, dated 08.10.2021, signed on 12.10.2021, addressed to the petitioner's mother, on the file of the first respondent and quash the same as illegal and consequently to direct the respondents to provide compassionate ground appointment to the petitioner.



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For Petitioner : Mr.S.Louis

For Respondents : M/s.M.Parameswari
Standing Counsel

ORDER

The present writ petition is for a Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ka.No: Me.Po/Ma.Mi.Pa.Va./Peru/Mdu/Ni.A/Ni.Pi2/Ni.U2/Ko. Compassionate Appointment/ A.No. 5709/2021, dated 08.10.2021, signed on 12.10.2021, addressed to the petitioner's mother, on the file of the first respondent and quash the same as illegal and consequently to direct the respondents to provide compassionate ground appointment to the petitioner.

2. The petitioner's father was working as a Wireman in the respondent TANGEDCO. While in service, he died un-expectedly on 09.05.2016. The petitioner was only 13 years while his father had passed away. On 12.09.2018, the petitioner's mother made an application seeking appointment on compassionate ground for the petitioner. However, the said application was returned on the ground that the petitioner was minor. Thereafter on 23.09.2021, the petitioner's mother once again made an application seeking appointment to



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the petitioner on the ground that the petitioner had attained the age of majority.

That application was also rejected vide proceedings of the respondent dated 08.10.2021 signed on 12.10.2021. Challenging the same, the present writ petition has been filed.

3. The learned Counsel for the petitioner vehemently contended that when the application was made well within the prescribed period of three years from the date of death of the employee in that case, the application ought not to have rejected by the respondent under the guise that the petitioner was minor and the petitioner is entitled to get an appointment on compassionate ground with attaining the age of majority. However, the second rejection order rejecting the application made by the petitioner's mother pursuant to him attaining the age of majority is highly illegal and the same has to be quashed and appointment need to be granted.

4. Per contra, the learned Standing Counsel appearing for the respondents relying upon the board proceedings No.11 (Tamil Nadu Generation & Distribution Corporation Limited) dated 11.06.2020, in clause 5, which speaks about the time limit to prefer the application and clause 6 with respect to age



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limit for those eligible under compassionate ground appointment submitted that in terms of clause 5, the application ought to have been done within three years from the date of death of the employee and in view of clause 6, the applicant should have a minimum age of 18 years at the time of submitting the application.

5. However, in this case, though the application was made well within the period of three years from the date of death of the employee and the minimum age of the applicant was less than 18 years, the application was rightly rejected and the benefit of appointment on compassionate ground cannot be extended beyond the regulations and the madated Board proceedings. Hence, this writ petition is liable to be dismissed.

6. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

7. Appointment on compassionate ground is neither a fundamental right nor a vested right and no-one can claim the appointment on compassionate



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ground as a matter of right and the respondents in any case could not extend appointment beyond the prescribed rules and regulations. In this case, rejection is passed well within the parameters of board proceedings bearing No.11, dated 11.06.2020. Hence, this Court is not inclined to interfere with the same and this writ petition stands dismissed. There shall be no order as to costs.

17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
BTR

To

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L.VICTORIA GOWRI, J.

BTR

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