



W.P.(MD).No.14105 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.07.2023**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.14105 of 2022**

**and**

**W.M.P(MD)No.10065 of 2022**

E.Chelladurai

... Petitioner

Vs.

1.The Chairman and Managing Director,  
144, TANTRANSCO Building,  
Electricity Avenue,  
Anna Salai,  
Chennai.

2.The Chief Engineer,  
The Tamil Nadu Electricity Board,  
Now called as Tamil Nadu Generation and  
Distribution Corporation Limited,  
NPKRR Maligai,  
144, Anna Salai,  
Chennai – 600 002.

3.The Superintending Engineer,  
Generation and Distribution and Administration,  
TANGEDCO,  
Thermal Power Plant,  
Thoothukudi – 628 004.

... 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



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records pertaining to the impugned order of the third respondent in Letter No.000021/0017-01/NI-I/UTHAVI-3/2022, dated 27.04.2022 and quash the same and consequently directing the respondent to appoint the petitioner on compassionate grounds under the respondents.

For Petitioner : Mr.S.Ramsundarvijayraj

For RR 1 & 2 : Mr.S.Arivalagan

**ORDER**

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the third respondent in Letter No.000021/0017-01/NI-I/UTHAVI-3/2022, dated 27.04.2022 and consequently to direct the respondents to appoint the petitioner on compassionate grounds under the respondents.

2.The petitioner's father V.Elangamani was appointed as a Helper in the regular work establishment of the third respondent thermal power station on 17.11.1999. He was thereafter promoted to the post of Grade – II Fitter and subsequently, he was promoted and transferred to the post of Telephone Operator MRT II/TTPS on



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22.06.2011. But unexpectedly, on 20.01.2014, the petitioner's father passed away. Hence, the petitioner made an application to the respondents seeking compassionate appointment on the death of his father by application, dated 18.01.2017 ie., well within a period of three years from the date of death of the petitioner's father. However, the petitioner was at the age of 16 years at the time of making his application on 18.01.2017. Thereafter, on attaining the age of majority, the petitioner made a fresh application on 31.01.2022 seeking an appointment to the post of Helper in the regular work establishment. However, the said representation was rejected vide impugned order, dated 27.04.2022. The reason mentioned in the impugned order is that the application for compassionate appointment was not preferred within a period of three years from the date of death of his father. Challenging the said impugned order, dated 27.04.2022, the present Writ Petition came to be filed.

3.Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned counsel appearing for the respondents 1 and 2 and perused the materials available on record.



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4.The learned counsel appearing for the respondent relied upon the Judgment passed by the Honourable Division Bench of this Court in W.A(MD)No.533 of 2021, dated 03.08.2022 (The Superintending Engineer and another Vs. K.Periannan), which dealt with the similar case. The relevant portion of which is extracted as follows:-

*"7.It is brought to our notice a few judgments to support the view of the Writ Petitioner that the minor is entitled to seek appointment upon attaining majority, even if the application is beyond the period of three years, after the death of the deceased employee. The Full Bench has considered all these aspects and approved the judgment of the Division Bench in the case of E.Ramasamy Vs. Tamil Nadu Electricity Board, W.A.Nos.336 of 2003, 997 of 2006 and 1006 of 2006, dated 18.09.2006. It is held that the appointment on compassionate ground has to be strictly followed in accordance with the relevant G.Os or the scheme that has been framed by the employer and any deviation is not permissible."*



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5.In view of the said Judgment and also considering the mandates in G.O.(MS)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, this Court is inclined to observe that though the first application was made within a period of 3 years from the date of death of the petitioner's father, by that time, the petitioner did not attain the age of majority and unfortunately, when he made an application after attaining the age of majority that application was not well within the mandated period of three years from the date of death of his father and in both accounts, both of his applications fails to fall within the parameters mandated by the said Government Order. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**11.07.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes  
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**L.VICTORIA GOWRI, J.**

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