



W.P.(MD).No.19232 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19232 of 2022

A.Thirupathi Venkatesan

... Petitioner

Vs

1. The Chairman,
Tamilnadu Ceneration and Distribution Corporation Ltd., (TANGEDCO),
(Erstwhile Tamilnadu Electricity Board),
NPKKR Maaligai, No.144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer (Personnel),
Tamilnadu Ceneration and Distribution Corporation Ltd., (TANGEDCO),
(Erstwhile Tamilnadu Electricity Board),
NPKKR Maaligai, No.144, Anna Salai,
Chennai – 600 002.
3. The Superintending Engineer,
Tamilnadu Ceneration and Distribution Corporation Ltd., (TANGEDCO),
(Erstwhile Tamilnadu Electricity Board),
Madurai Electricity Circle,
K.Pudur, Madurai – 625 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to appoint the petitioner in any suitable post on compassionate grounds on the



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basis of petitioner's representation, dated 29.07.2022 within the time stipulated by this Court.

For Petitioner : Ms.S.Prabha

For Respondents : Ms.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to appoint the petitioner in any suitable post on compassionate grounds on the basis of petitioners representation, dated 29.07.2022 within the time stipulated by this Honble Court

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Ms.S.Prabha, learned counsel appearing for the petitioner and Ms.M.Parameswari, learned Standing Counsel appearing for the respondents. Perused the materials on record.

4(i).The petitioner's father was working as Helper in the Respondent Corporation. While he was in service, died on 04.01.1997. The



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petitioner was aged about 13 years at the time of death of his father. The petitioner's father was survived by the petitioner, his second wife and her two children.

(ii)After attaining the age of majority on 12.12.2006, the petitioner made an application before the respondent Corporation seeking appointment on compassionate ground and the same was not considered. Hence, this writ petition came to be filed.

5.The learned Standing Counsel appearing for the respondents would fairly submit that the petitioner may be directed to submit a fresh application, on that basis, the respondents Corporation may take a proper decision.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

7.It is made clear that without going into the merits of this case, this Court hereby direct the petitioner to submit a fresh application to the respondent Corporation and on receipt of the same, the respondent Corporation is directed to take appropriate decision, in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

8.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

01.09.2023

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

PNM



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L.VICTORIA GOWRI, J.

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ORDER IN
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