



W.P.(MD).No.19340 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.19340 of 2020

J.Arul Jothi

... Petitioner

Vs.

The Superintending Engineer,
TANGEDCO,
Tirunelveli Distribution Circle,
Tirunelveli.

.... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Ka.No.024809/541/Ni.A/Ni.P.3/U.3/Koo.Vaa.Velai/2020, dated 27.11.2020 and quash the same and consequently direct the respondents to provide an employment on compassionate ground within the time fixed by this Court.

For Petitioner : Mr.J.Arul Jothi

For Respondent : Mr.S.Arivalagan
Standing Counsel



W.P.(MD).No.19340 of 2020

ORDER

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The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the respondent, dated 27.11.2020 and consequently directing the respondents to provide employment on the compassionate grounds within the time fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent and perused the materials available on record.

3.The petitioner's father, namely, Late.M.Jothiraj, was employed as Revenue Supervisor in the Electricity Department within the respondent's circle. He died on 13.01.2019, leaving behind the petitioner and his mother as legal heirs. The petitioner was born on 05.06.1994 and he attained the age of majority on 04.06.2012. However, within a period of three years from the date of the death of his father, the petitioner made an application seeking compassionate appointment. In response to the same, on 12.01.2012, the respondent sought for several documents for the purpose of adjudicating the application for compassionate appointment made by the petitioner.



W.P.(MD).No.19340 of 2020

However, the learned counsel appearing for the petitioner fairly conceded that the documents were submitted only on 09.11.2020 along with a reminder letter to the respondent. However, the impugned order came to be passed on 27.11.2020. Challenging the same, this Writ Petition came to be filed.

4.Per contra, the learned standing counsel appearing for the respondent vehemently argued that this Writ Petition is liable to be dismissed since the matter is already covered 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]**.

5.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]**, wherein it has been categorically held that there are 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 employee. However, a Full Bench has considered all these aspects and approved the



W.P.(MD).No.19340 of 2020

WEB COPY

Judgment of the Division Bench in the case of ***E.Ramasamy Vs. Tamil Nadu Electricity Board in W.A.No.336 of 2003, dated 18.09.2006***, wherein it has been held that an appointment on compassionate grounds 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.

6.Moreover, the scheme of compassionate appointment has been formulated by the authorities concerned only for the purpose of aiding the family of the deceased, immediately, after the death of the employee from suffering and penury and in this case, the petitioner himself had belatedly submitted the required documents after a prolonged period of 10 years. Hence, he cannot seek equity before this Court and this Court is inclined to dismiss the Writ Petition.

7.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
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W.P.(MD).No.19340 of 2020

To

The Superintending Engineer,
TANGEDCO,
Tirunelveli Distribution Circle,
Tirunelveli.



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W.P.(MD).No.19340 of 2020

L.VICTORIA GOWRI, J.

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W.P.(MD)No.19340 of 2020

04.07.2023