



W.P.(MD).No.20845 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.20845 of 2021

Manikandaprabhu

... Petitioner

Vs.

1.The Secretary to Government of India,
Ministry of Heavy Industries and
Public Enterprises,
Room No.126-C,
Udyog Bhawan,
Rafi Marg,
New Delhi – 110 011.

2.The General Manager,
Human Resource Department,
Bharat Heavy Electrical Limited (BHEL),
Thiruchirappalli – 620 014.

... 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 records of the second respondent impugned order, dated 18.03.2021 and quash the same and consequently directing the second respondent to give compassionate ground appointment to the petitioner.



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For Petitioner : Mr.M.Kala Murugappan
For R – 1 : Mr.K.Govindarajan
Deputy Solicitor General
For R – 2 : Mr.AV.Arun

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent, dated 18.03.2021 and consequently directing the second respondent to give compassionate ground appointment to the petitioner.

2.Heard Mr.M.Kala Murugappan, learned counsel appearing for the petitioner, Mr.K.Govindarajan, learned Deputy Solicitor General appearing for the first respondent and Mr.AV.Arun, learned counsel appearing for the second respondent and perused the materials available on record.



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3.The petitioner's father worked as AUX-Worker Grade-II, Coal Research Department in the second respondent public sector undertaking. While in service, he passed away on 23.03.2013. He was survived by his wife, the petitioner and his sister. On 04.11.2013, the petitioner's mother made an application to the second respondent seeking an appointment on compassionate grounds for the petitioner. However, that was not considered. Hence, once again, the petitioner's mother sent another application on 20.11.2015 and that was also not considered. Therefore, the petitioner made an application on 06.11.2020, seeking an appointment on compassionate grounds. Since that was also not considered, he filed a Writ Petition in W.P(MD)No. 1960 of 2021 before this Court, in which this Court directed the second respondent to consider the petitioner's representation and passed orders on 05.02.2021. Considering the petitioner's representation, the second respondent passed the impugned rejection order, dated 18.03.2021. Challenging the same, this Writ Petition came to be filed.

4.Vide impugned order, dated 18.03.2021, the petitioner's application seeking compassionate appointment was rejected on the ground that only the cases in which the death of employees in an accident which happens during the course of or arising out of



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employment could be considered for compassionate appointment. Since the petitioner's father's death was a natural death and was not due to any accident arising out of employment, the petitioner's case was rejected by the second respondent.

5.However, at the time of argument, the learned counsel appearing for the second respondent drew my attention to Clause 13.2 of the BHEL Recruitment Policy, which mandates to provide employment to the legal heirs of a deceased employee whenever employment notification is released for sanctioned vacancies in respect of Un-skilled/Semi-skilled/Artisans and Clerk cadre, wherein 25% of such vacancies would be reserved for dependants of the deceased employees.

6.Since the petitioner would be squarely covered by Clause 13.2 of the BHEL Recruitment Policy, this Court is inclined to direct the second respondent to facilitate the petitioner in availing compassionate appointment within 25% ear marked vacancies which is reserved for the dependants of the deceased employee, whenever the employment notification is made by BHEL in the immediate next future.



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7.In view of the above, the second respondent is directed to consider the petitioner's representation, dated 06.11.2020 and thereafter provide him with employment in terms of Clause 13.2 of the BHEL Recruitment Policy.

8.With the abovesaid observation, this Writ Petition stands disposed of. There shall be no order as to costs.

27.07.2023

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

1.The Secretary to Government of India,
Ministry of Heavy Industries and
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Room No.126-C,
Udyog Bhawan,
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New Delhi – 110 011.

2.The General Manager,
Human Resource Department,
Bharat Heavy Electrical Limited (BHEL),
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L.VICTORIA GOWRI, J.

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