



W.A.(MD)No.1875 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD)No.1875 of 2023

and

C.M.P.(MD)No.14300 of 2023

P.S.Rajangam

... Appellant

Vs.

1.The Chairman,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
No.800, Anna Salai, Chennai.

2.The Chief Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
No.800, Anna Salai, Chennai.

3.The Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited, Distribution,  
K.Pudur, Madurai District.

...Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.3284 of 2021, dated 06.07.2023 on the file of this Court.



W.A.(MD)No.1875 of 2023

For Appellant : Mr.R.Santhanam

For Respondents : Ms.M.Parameswari

### **JUDGMENT**

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The claim of the appellant before the Writ Court was to appoint him on compassionate ground. The father of the writ petitioner, who served in Electricity Board, died on 06.10.2015, while he was in service. The mother of the writ petitioner submitted an application initially on 04.10.2018, seeking appointment on compassionate grounds. The authorities scrutinized the application and found that the education certificates produced by the mother of the writ petitioner were bogus and accordingly, rejected her claim for compassionate appointment.

2.Admittedly, the writ petitioner was a minor during the relevant point of time. On attaining the age of majority, the writ petitioner submitted an application on 21.05.2020 after lapse of five years from the date of death of the deceased employee. Thus, the authorities have rejected the application on the ground that the application submitted beyond the period of three years is not entertainable under the scheme of compassionate appointment.



3.The learned counsel appearing for the appellant mainly contended that cause of action continued since the mother of the writ petitioner submitted the application on 04.10.2018 and thus, the order passed by the authorities are not in consonance with the scheme.

4.It is not as if one legal heir after another legal heir can file application seeking compassionate appointment. One application seeking compassionate appointment is permissible under the scheme and if that application is rejected by the competent authorities, other legal heirs are not eligible to submit an application seeking compassionate appointment.

5.The scheme of compassionate appointment is a concession and the scheme being special one cannot be extended in violation of the terms and conditions stipulated in the scheme. The very purpose and object of the scheme is to mitigate the circumstances arisen on account of the sudden death of an employee. Therefore, the penurious circumstances existing in the family of the deceased employee and other requirements in consonance with the terms and conditions of the schemes are to be verified for the purpose of extending the benefit of appointment on compassionate ground.



WEB COPY

6.The scheme of compassionate appointment is violative of Articles 14 and 16 of Constitution of India. All the appointments are to be made strictly under the Constitutional schemes and through open competitive process by following the procedures as contemplated. Equal opportunity in public employment is the Constitutional mandate and thus, any other special scheme introduced for the welfare of the employees is to be granted scrupulously by following the terms and conditions stipulated and any violations would lead to unconstitutionality and deprive the constitutional rights of the lakh and lakh of persons, who are all aspiring to secure public employment through open competitive process.

7.In the present case, admittedly, the mother of the writ petitioner submitted the application along with bogus certificates, which was rejected. Since the appellant was a minor during the relevant point of time, on attaining the age of majority and after lapse of five years from the date of death of the deceased employee, he submitted the application, which was also rejected. Therefore, we do not find any reason to interfere with the findings of the learned Single Judge, which is well considered and in consonance with the principles settled by the Hon'ble Supreme Court of India.



W.A.(MD)No.1875 of 2023

WEB COPY

8. Accordingly, the order passed in the Writ proceedings is confirmed and the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S., J.) & (V.L.N., J.)**

**30.10.2023**

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

*Yuva*



WEB COPY



W.A.(MD)No.1875 of 2023

**S.M.SUBRAMANIAM, J.**

**AND**

**V.LAKSHMINARAYANAN, J.**

*Yuva*

W.A.(MD)No.1875 of 2023

30.10.2023