



WEB COPY



W.A.No.2732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR

AND

THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

W.A.No.2732 of 2024

S.Silambarasan

.. Appellant

Vs.

1.The Superintending Engineer  
Tamil Nadu Electricity Board (Distribution)  
Kallakurichi & District

2.The Assistant Engineer  
Tamil Nadu Electricity Board (Distribution)  
Thiyagadurgam  
Kallakurichi Taluk & District

3.The Superintendent  
Tamil Nadu Electricity Board  
Administrative Branch  
800, Anna Salai  
Chennai 600 002

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 04.08.2023 passed by the learned Single Judge in W.P.No.22963 of 2023.

For Appellant : Mr.A.G.Rajan



WEB COPY



W.A.No.2732 of 2023

## **J U D G M E N T**

(Delivered by S.S.SUNDAR, J.)

This writ appeal is filed by the writ petitioner challenging the order of the learned Single Judge dated 04.08.2023, dismissing the writ petition filed for issuance of a writ of certiorarified mandamus to quash the order of the 1<sup>st</sup> respondent dated 21.07.2020 and for a direction to the 1<sup>st</sup> respondent viz., The Superintendent Engineer, Tamil Nadu Electricity Board, to offer suitable job to the writ petitioner under compassionate grounds.

2. The following are the facts of the case which are not in dispute :

The appellant's father died on 10.01.2012, while in service. Even though an application was filed by the appellant's mother on 04.05.2012 seeking compassionate appointment, it was not considered. Later, the appellant submitted an application for compassionate appointment on 21.08.2017 and the same was rejected by the 1<sup>st</sup> respondent, by an order dated 04.10.2017, on the sole ground that it was belatedly submitted beyond the period of three years from the date of death of his father. Thereafter, the appellant submitted further application on 22.06.2020 and the same was also rejected by order dated 21.07.2020, which is impugned in the writ petition.



W.A.No.2732 of 2024

3. The learned Single Judge, dismissed the said writ petition on the ground that the appellant's application for compassionate appointment which was made after a lapse of 8 years from the date of death of his father is not maintainable, as there is no provision. Since the rules which are in vogue are applicable to the respondent Department do not permit entertaining an application for compassionate appointment, submitted beyond the period of three years from the date of death of the employee, the learned Single Judge has rightly dismissed the said writ petition.

4. When the matter was taken up for admission today, the learned counsel for the appellant submitted that the appellant was a minor at the time of the death of his father and therefore, his application was filed immediately when he attains majority and hence, the same cannot be rejected on the ground of delay. This aspect has been elaborately considered by this Court in several judgments. Having regard to the object of providing compassionate appointment, the position that the application can be filed by any one of the legal heirs after attaining majority, cannot be approved.

Hence, this Court finds no merit in this writ appeal and accordingly, this writ appeal stands dismissed. No costs.

[S.S.S.R.,J.] [A.D.M.C., J.]  
22.10.2024

Index : Yes/No Neutral Citation : Yes/No  
gya



WEB COPY



W.A.No.2732 of 2024

S.S.SUNDAR, J.  
AND  
A.D.MARIA CLETE, J.

gya

To

1.The Superintending Engineer  
Tamil Nadu Electricity Board (Distribution)  
Kallakurichi & District

2.The Assistant Engineer  
Tamil Nadu Electricity Board (Distribution)  
Thiyagadurgam  
Kallakurichi Taluk & District

3.The Superintendent  
Tamil Nadu Electricity Board  
Administrative Branch  
800, Anna Salai  
Chennai 600 002

W.A.No.2732 of 2024

22.10.2024