



W.P.No.4030 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4030 of 2023

and

W.M.P.No.4071 of 2023

K.Harishraja

.. Petitioner

Vs.

1.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
No.144, Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Gobi Electricity Distribution Circle,
Tiruppur Road, Vettaikkaran Koil,
Naga Deivam Palayam Post,
Gobi Via,
Gobichettipalayam – 638 476.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus after calling for the
records of the 2nd respondent in Letter No: Letter No:
276/1199/Me.Po/Gobi/NiP.2/Ni.Me2/Ko.Vaa.Velai/2022 dated
17.11.2022 and quash the same and consequently direct the 1st



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respondent to appoint the petitioner in any suitable post in the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) with the consequential benefits.

For petitioner : Mr.V.Stalin

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent in Letter No:276/1199/Me.Po/Gobi/NiP.2/Ni.Me2/Ko.Vaa.Velai/2022 dated 17.11.2022 and for a consequential direction to the 1st respondent to appoint the petitioner in any suitable post at TANGEDCO with all consequential benefits.

2.The case of the petitioner is that his father Late.K.Karuppusamy was employed as a Line Inspector at TANGEDCO. On 27.09.2019, he died in harness leaving behind his wife, the petitioner and his younger brother. Due to the sudden demise of the father of the petitioner, the entire family was left behind without a bread winner. The application submitted by the mother of the petitioner seeking for compassionate



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appointment was rejected on the ground that she did not have the requisite educational qualification.

3.The further case of the petitioner is that he completed 18 years on 15.10.2022 and applied to the 2nd respondent seeking for compassionate appointment. The 2nd respondent through proceedings dated 17.11.2022 rejected the application submitted by the petitioner on the ground that the petitioner has not satisfied the relevant criteria fixed under the TANGEDCO proceedings No.11 dated 11.06.2020. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned counsel for the petitioner submitted that Clause 5 of the TANGEDCO proceedings contemplates the application for compassionate appointment to be submitted within three years from the date of death of the employee. In the instant case, there was hardly delay of 19 days in submitting the application after the expiry of three years. That was put against the petitioner and the application submitted by the petitioner for compassionate appointment was rejected. The learned counsel submitted that the impugned proceedings of the 2nd respondent is



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liable to be interfered by this Court and a direction must be issued to the respondents to consider appointing the petitioner in a suitable post on compassionate basis.

5.Per contra, the learned Standing Counsel appearing on behalf of the respondents submitted that the case in hand is squarely covered by the Full Bench judgment of this Court in W.A.(MD).No.1435 of 2023 dated 05.09.2023 which was subsequently followed by the learned Single Judge of this Court in W.P.No.23314 of 2023 dated 12.06.2024. The learned counsel submitted that the period that has been fixed under the Board Proceedings has to be construed strictly and if the application is not received within the period stipulated, the application need not be entertained and is liable to be rejected. In view of the same, the learned counsel sought for the dismissal of the writ petition.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.Clause 5 of the TANGEDCO Proceedings No.11 dated



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11.06.2020 is extracted hereunder:

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“05. TIME LIMIT TO PREFER THE APPLICATION

The application for the compassionate ground appointment may be submitted within 3 years from the date of death of the TANGEDCO / TANTRANSCO Employees.”

8.It is also relevant to extract Clause 6 of the same proceedings hereunder:

“06. AGE LIMIT FOR THOSE ELIGIBLE UNDER COMPASSIONATE GROUND APPOINTMENT

(i) The minimum age is 18 years at the time of submitting application for compassionate ground appointment.

(ii) The maximum age limit for the spouse / father / mother is 50 years on the date of death of the TANGEDCO / TANTRANSCO Employee.

(iii) The maximum age limit for the son or daughter of the deceased TANGEDCO / TANTRANSCO Employee and unmarried brother / unmarried sister of the unmarried deceased TANGEDCO / TANTRANSCO



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Employee is 40 years at the time of applying.”

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9.It is clear from the above that the application for compassionate appointment must be submitted within three years from the date of death of the employee. The minimum age for submitting the application has also been fixed as 18 years at the time of submitting the application.

10.The father of the petitioner died on 27.09.2019. The three years period came to an end on 26.09.2022. At the time of the demise of the father, the petitioner had completed 15 years. The petitioner completed 18 years on 06.10.2022. Immediately thereafter, he made an application for compassionate appointment on 15.10.2022. Therefore, even if Clause 5 of the Board Proceedings is interpreted strictly, there is hardly 19 days delay in submitting the application.

11.The Hon'ble Full Bench judgment that was relied upon by the learned Standing Counsel for the respondents and which was subsequently followed by the learned Single Judge, will not apply to the facts of the present case. The Hon'ble Full Bench upon considering the earlier judgments, came to a conclusion that the very purpose of



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compassionate appointment is to see that the family gets an immediate relief after the unexpected demise of a bread winner. In view of the same, it was held that while considering the application for compassionate appointment, the criteria fixed under the Government Order or the scheme must be strictly followed and no deviation should be permitted.

12.In the instant case, the petitioner could not have submitted an application for compassionate appointment immediately on the demise of his father since, he had hardly completed 15 years. The petitioner completed his 18 years only 06.10.2022. Thereafter, after a period of 19 days, he has submitted the application seeking for compassionate appointment. This period of delay cannot be considered to be exorbitant so as to deprive the consideration of the petitioner for compassionate appointment. It is seen from records that the father of the petitioner died leaving behind his wife and two sons and the other son is the younger brother of the petitioner. This clearly shows that the untimely death of the father had left the family in lurch. The mother of the petitioner was not able to get employment since she did not possess the necessary educational qualification. Therefore, the family faced a distress situation



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on the demise of the employee. It is only to tide over a situation like this, the concept of compassionate appointment was brought in. The objective of compassionate appointment is to tide over the crisis and to ensure that some one in the family is provided with the employment and the family does not suffer further distress.

13.The facts of the present case perfectly falls within the four corners of the objective of providing compassionate appointment. The delay of 19 days cannot be taken to be fatal so as to reject the application submitted by the petitioner seeking for compassionate appointment. The application submitted by the petitioner ought to have been considered by the 2nd respondent and if the petitioner had satisfied all the other requirements, he should have been provided with compassionate appointment.

14.In the light of the above discussion, the impugned Letter No:276/1199/Me.Po/Gobi/NiP.2/Ni.Me2/Ko.Vaa.Velai/2022 dated 17.11.2022 issued by the 2nd respondent is hereby quashed. The matter is remitted back to the file of the respondents and they are directed to deal



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with the application submitted by the petitioner on 15.10.2022 and collect all the required details and documents from the petitioner. On the petitioner satisfying all the other requirements, the respondents shall proceed to appoint the petitioner to any appropriate post under compassionate appointment. This process shall be completed by the respondents within a period of three (3) months from the date of receipt of a copy of this order.

15.In the result, this Writ Petition is allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

12.08.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

N.ANAND VENKATESH, J.



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To

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(TANGEDCO),
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