



Writ Appeal No.1101 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal No.1101 of 2021

T.Gunasekaran ... Appellant
Vs

1.The Superintendent Engineer,
TANGEDCO,
Vellore Electricity Distribution Division,
Gandhi Nagar, Vellore -632 006.

2.The Electricity Sub-Station Engineer,
Keezhpallipattu Division,
Vellore Electricity Distribution Division,
Vellore Zone, Kannamangalam,
Vellore – 632 006. ... Respondents

PRAYER: Writ Appeal has been filed under Clause 15 of Letter Patent against the order dated 08.01.2021 made in W.P.No.379 of 2021.

For Appellants : Mr.K.Venkateswaran

For Respondent : Mr.K.Rajkumar for TANGEDCO

JUDGMENT

(Judgment of the Court was made by K.KUMARESH BABU.,J.)

This Intra Court Appeal had been preferred against the order of the



learned Single Judge in dismissing the Writ Petition rejecting the claim of the appellant to be appointed on compassionate grounds.

2. It is an admitted case that the father of the appellant had died on 07.07.2014 and at that time, the appellant was a minor. He had his mother and two sisters surviving at the time of his father's death. None of them have not made any claim for appointment on compassionate grounds. The appellant had made an application at the earliest point of time, which was rejected by the respondents on the ground that the appellant had not completed the age of 18 years. The appellant had attained the age of majority in the year 2018, and thereafter, he had made an application in November 2019, which came to be rejected by the respondents by stating that the application had been made much beyond the period of three years as prescribed by the Board proceedings.

3. The contention of the learned counsel appearing of the appellant is that such a claim ought not to have been rejected, since when the appellant at the first instance had made a request and the same had also been rejected that he had not completed 18 years of age. Immediately on



completion of 18 years of age, a representation had been made, which had been rejected by stating that the application is time barred. He would submit that an application could have been made by him only on completion of 18 years of age and therefore, that should not have been the reason on which it should have been rejected and the application should have been considered on merits. He would submit that this aspect has not been taken note of by the learned Single Judge while dismissing the Writ Petition and the learned Single Judge had held that the application filed by the appellant is time barred.

4. Even though the claim of the learned counsel appearing for the appellant at the first blush seems to be impressive, it is not disputed that the scheme of compassionate appointment is being governed by the Board's proceedings of the respondent in BP Ms (FB) No.46, dated 13.10.1995. Under the said Board proceedings, an application should be made within a period of three (3) years for appointment on compassionate grounds.

5. The present application had been made after a period of five years



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from the death of the employee neither the mother or sisters of the ap-
pellant had made an application within a prescribed period of three years.

The compassionate appointment is given to next family member of the deceased employee to wade off the penurious circumstances which arise out of the death of the employee. A period of time had been fixed within which such an application should be made, otherwise it would be presumed that there is no penury circumstances.

6. Admittedly, in this present case, an application had been made after a period of five years and none of the other family members had also sought for an employment under the compassionate grounds. In such cir-
cumstances, we do not find any error in the order impugned before us.

7. In fine, the Writ Appeal fails and the same is dismissed.
However, there shall be no order as to costs.

(R.S.K.,J.)

(K.B., J.)

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Speaking Order/Non Speaking Order

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Neutral Citation: Yes/No
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