



WEB COPY



W.A. No.1444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A. No.1444 of 2024 and C.M.P. No.10314 of 2024

- 1 The Chairman-cum-Managing Director
Tamil Nadu Generation and
Distribution Corporation Ltd.
No.144 Anna Salai
Chennai 600 002
- 2 The Chief Engineer/Personnel
Tamil Nadu Generation and
Distribution Corporation Ltd.
No.144 Anna Salai
Chennai 600 002
- 3 The Superintending Engineer
(Purchase & Administration)
North Chennai Thermal Power Station – I
Chennai 600 120

Appellants

v

M. Seetha

Respondent



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Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 18.10.2023 passed in W.P. No.13307 of 2021.

For appellants Mr. David Sundar Singh
For respondent Mr. S.N. Ravichandran

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

For the sake of convenience, the parties to this case will be referred to as per their rank in this writ appeal.

2. A vignette of the facts leading to the filing of this writ appeal would suffice.

2.1. The respondent's husband who was employed in the appellant Corporation died in harness on 30.07.2014 leaving behind him, the respondent, his mother and two sons. On 31.03.2017, the respondent made an application to the appellant Corporation seeking appointment for her son named Kishore Kumar, on compassionate ground. The said application was returned by the appellant Corporation on 10.04.2017 on the ground that the



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respondent's son had not completed 18 years of age. Not stopping with that, the respondent was informed to submit a representation seeking appointment on compassionate ground on her son completing 18 years of age. (emphasis supplied)

2.2. Accordingly, on her son attaining the age of majority on 03.11.2018, the respondent promptly resubmitted her application for compassionate appointment on 12.06.2019 to the appellant Corporation, which was turned down by the third appellant *vide* order dated 21.09.2020 stating that the respondent had made the claim after the expiry of three years from the date of demise of her husband.

2.3. The aforesaid order was challenged by the respondent in a writ petition being W.P. No.13307 of 2021, in which, a learned Judge, *vide* order dated 18.10.2023, following the judgment of the Supreme Court in **Chief Engineer, T.N.E.B. v Indraniammal** (C.A. No.2039 of 2006 decided on 30.03.2010), quashed the impugned order and allowed the writ petition.



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2.4. Thereagainst, the TANGEDCO has preferred the instant writ appeal primarily on the ground that the judgment in **Indiraniammal, supra**, is not applicable to the facts of the instant case.

3. Heard the learned counsel for the appellant Corporation and learned counsel for the respondent.

4. The facts summed up above are not in dispute. The only point that requires to be considered in this writ appeal is whether the learned Judge is correct in quashing the order of rejection dated 21.09.2020 and allowing the writ petition by placing reliance on **Indiraniammal, supra**.

5. Thus, it becomes imperative to advert to the facts that obtained in **Indiraniammal, supra**, which also arose from this Court.



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5.1. In **Indiraniammal**, *supra*, the husband of Indiraniammal, died in harness in 1996. Indiraniammal made an application to the Electricity Board in 1999 seeking appointment on compassionate ground to her 11 year old son. The Electricity Board informed her that her son could be given appointment only on he becoming a major. With fond hopes, Indiraniammal, after her son attained majority, addressed yet another representation in 2003 reiterating the same request. However, her representation was rejected on the ground that her application is beyond the period of three years from the date of passing away of her husband.

5.2. The rejection order was challenged by Indiraniammal in a writ petition being W.P. No.21512 of 2003, which was dismissed *vide* order dated 13.10.1995, on the ground of laches on the part of Indiraniammal.

5.3. Thereagainst, Indiraniammal preferred a writ appeal being W.A. No.3050 of 2003. The Division Bench, *vide* judgment dated 08.03.2005, finding that Indiraniammal's son cannot be



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deprived of appointment on the ground of laches, quashed the order of the learned Judge and the rejection order passed by the Electricity Board, and directed the Electricity Board to consider the representation of Indiraniammal and provide appointment on compassionate ground to her son.

5.4. The Electricity Board took the judgment of the Division Bench on appeal to the Supreme Court, which, *vide* order dated 30.03.2010, dismissed the appeal confirming the judgment of the Division Bench.

6. From the aforesaid, it is crystal clear that the facts in **Indiraniammal**, *supra*, and the facts in the instant case, are no different and hence, the said judgment is applicable to the instant case on all fours. As a sequitur, we have no incertitude in holding that the learned Judge is perfectly justified in granting relief to the respondent, by placing reliance on **Indiraniammal**, *supra*.



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WEB COPY In the result, this writ appeal fails and is accordingly dismissed
sans costs. Connected C.M.P. is closed.

(R.M.D., A.C.J.) (M.S.Q., J.)
03.07.2024

Index : Yes/No
NC : Yes/No
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