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W.P.No.12890 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 12890 of 2024

S.Priyadharshini

.... Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
Rep. by its Chairman/Managing Director,
NPKRR Maaligai (TNEB Office),
No.144, Anna Salai,
Chennai – 600 002.

2. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
Rep. by its Chief Engineer/Personnel
Eastern Wing, 8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

3. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
Rep. by its Superintending Engineer Salem,
K.N.Colony P.O,
Salem – 636 014.

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the entire



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records connected with the impugned orders passed by the third respondent in Ka.No.14063/580/NiBi2/Utha.2/KO.Va.Ve/2021 dated 23.11.2021 and Ka.No.651/NiBi2/Utha.2/Ko.Va.Ve/2023 dated 25.11.2023 and quash the same and consequently direct the respondents to appoint the petitioner for any of the eligible post on compassionate grounds.

For Petitioner : Mr.V.Ponnappa Bharathi
For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 23.11.2021 and 25.11.2023, thereby rejected the request made by the petitioner seeking compassionate appointment on the demise of her father.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the daughter of Late P.Senthil, who worked under the respondent as Field Assistant. While being so, while he was on duty on 13.06.2017, he met with a road accident and immediately he was admitted in the hospital. He suffered with several



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injuries and he was on medical leave. Unfortunately, his health condition deteriorated and he died on 30.01.2019, due to injuries sustained by him in the accident on 13.06.2017. The petitioner's mother made an application on 07.06.2021 seeking appointment on compassionate ground. The third respondent, by its communication dated 27.07.2021, rejected the request made by the petitioner's mother on the ground that she did not pass VIII Standard. Therefore, once again the petitioner's mother submitted an application on 15.11.2021 seeking appointment on compassionate ground for her daughter, viz., the petitioner herein. It was also rejected by an order dated 23.11.2021 on the ground that the petitioner was aged about 16 years 20 days and did not attain the age of 18 years. After attainment of age of 18 years, once again the petitioner submitted a representation on 30.10.2023 and 18.11.2023, i.e, after three years from the date of demise of her father. As per Rules and the proceedings of the TANGEDCO, the application for compassionate appointment should be made within a period of three years from the date of demise of the employee.

4. The learned counsel appearing for the petitioner would



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submit that as per G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, now the age limit has been amended as follows :

*“6. **Age Limit.**- (1) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, on the date of application for appointment, -*

(a) the spouse of the deceased or medically invalidated Government servant or the parent of the deceased Government servant, must not have completed fifty years of age : and

(b) the son, daughter, brother or sister of the deceased or medically invalidated Government servant must not have completed forty years of age.

(2) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, there shall be no minimum age limit for the applicant on the date of application for appointment.



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Provided that appointment shall not be provided unless the applicant completes eighteen years of age.”

5. Accordingly, there shall be no minimum age limit for the applicant on the date of application for appointment. However, the appointment shall not be provided unless the applicant completed the age of 18 years.

6. The learned Standing Counsel appearing for the respondents vehemently contended that even as per G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, alternative application should be made within a period of one years from the date of making the application for appointment on the ground of his ill health or any other reason. Further he relied upon Clause 14 of the G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, which reads as follows :-

“14 (4). In case of applicant does not fulfil the requirements for appointment under these rules, the Head of office shall pass an order of rejection within a period of one month from the date of receipt of the



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application and communicate the same to the applicant.

(5) The applicant, if aggrieved by the order of rejection under sub-rule (4) may prefer an appeal to the Head of the Department within a period of two months from the date of receipt of the order.”

7. Accordingly, in case the applicant does not fulfil the requirements for appointment under these rules, it can be rejected within a period of one month, if any grievance over the Head of the Department. The Government order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, ordered guidelines for appointment on compassionate ground. The said order was adopted by the respondent, by its proceeding No.11, dated 11.06.2020. As per the said guidelines, the legal heirs, who were seeking compassionate appointment, should have crossed 18 years of age. Now, the Government framed the Tamil Nadu Civil Services Appointment on Compassionate Grounds Rules 2023 and in modification of G.O.Ms.No.18, dated 23.01.2020, had relaxed the minimum age for a legal heir to seek for compassionate appointment by way of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023.



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8. As stated supra, Clause 6 of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, states that there shall be no minimum age limit for applicant on the date of application for appointment. However, the applicant shall not be appointed within the age of 18 years. The petitioner's mother submitted the application within a period of three years from the date of demise of her husband, i.e., on 07.06.2021. However, the said application was rejected on the ground that the petitioner's mother had no minimum education qualification. Therefore, on 15.11.2021, when the petitioner was a minor, the petitioner's mother submitted an application for appointment on compassionate ground for her daughter. However, this request was also rejected on the ground that the petitioner was minor on the date of her application. After attainment of majority, once again, the petitioner made an application and the same was rejected, by the order impugned order in this writ petition, on the ground that the application was not made within a period of three years from the date of demise of her father.

9. Admittedly, except the deceased, no one is an earning



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member in the petitioner's family. Therefore, they are in indigent circumstances and could not maintain themselves since they were depended on the deceased. Therefore, technicality, as pointed out by the learned counsel for the respondents, provision in Clause No.9 and Clause No.14 of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, cannot be countenanced. In fact, after rejection of the application made by the petitioner's mother seeking employment for the petitioner on compassionate ground, immediately, the petitioner's mother made the application seeking appointment for her daughter. However, it was rejected on the ground that she was only 16 years. Therefore, the above Rule does not apply, to the case on hand.

10. In view of the above, the impugned order passed by the third respondent dated 23.11.2021 and 25.11.2023 cannot be sustained and accordingly, it is hereby set aside. The third respondent is directed to appoint the petitioner on compassionate ground in the suitable post within a period of four weeks from the date of receipt of a copy of this order.

11. With the above direction, this writ petition stands



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allowed. No costs.

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

1. The Chairman/Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
NPKRR Maaligai (TNEB Office),
No.144, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Eastern Wing, 8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
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3. The Superintending Engineer Salem,
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