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W.P.No.15281 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.15281 of 2024

Iyappan

... Petitioner

-Vs-

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

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to provide compassionate appointment to the petitioner for the death of his father while performing office duty by considering the representation dated 23.04.2024 on par with guideline No.12(iv) of (per.) FB TANGEDCO Proceedings No.11 dated 11.06.2020.

For Petitioner : Mr.D.Veerasekharan

For Respondent : Mr.K.Purushothaman



ORDER

WEB COPY This writ petition is filed for issuance of a Writ of Mandamus directing the respondent to provide compassionate appointment to the petitioner for the death of his father while performing office duty by considering the representation dated 23.04.2024 on par with guideline No.12(iv) of (per.) FB TANGEDCO Proceedings No.11 dated 11.06.2020.

2. The case of the petitioner is that the petitioner's father C.Murugan was working as a Wireman in the respondent Board. While so, on 30.04.2014 while performing his official duty, an electric post fell on him by an accident and that he sustained grievous injuries and fracture in the spinal cord. As a result, he could not resume his work and by an order dated 31.12.2014 he was medically invalidated from service. Firstly, it could be seen that by virtue of the persons with disability according to the Disability Act, 2005 which was in force as on 2014, the respondents could not have medically invalidated the petitioner at all. Secondly, the said person was admitted in Apollo Hospital and undergone protracted treatment and huge medical expenses were incurred by the family and later he died on 23.02.2015. However, when an application for compassionate appointment was made, the same was not considered by taking into account Para.1.2 of the TANGEDCO Proceedings No.11 dated



11.06.2020. The relevant paragraph is extracted as hereunder:-

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(ii) TANGEDCO / TANTRANSCO Employees who retire on Medical invalidation (within the age of 53).

3. But it can be seen that in the instant case, the deceased employee was medically invalidated because the post fell on him while he was performing his official duty, thereafter his family had spent huge sum for medical expenses. Prima facie it seems to be an extraordinary case. Para 12.4 of TANGEDCO Proceedings No.11 dated 11.06.2020 reads thus:-

"(iv) If any relaxation is necessary, in deserving cases, the same may be sent to the office of Chief Engineer/Personnel with proper justification."

4. Therefore, the respondent can consider the relaxation of the limit of age 53 especially considering that the medical invalidation itself may not be prima facie correct and consider the case of the petitioner for appointment for compassionate appointment on its own merits. The petitioner has already made a detailed representation dated 23.04.2024 bringing to the notice of the respondents the said position.

5. Though this matter came up for admission, Mr.K.Purushothaman,



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learned counsel takes notice for the respondent and in view of the nature of the order which is being passed, the writ petition is disposed of at the admission stage itself. Accordingly, this writ petition is disposed of on the following terms:-

(i). The representation of the petitioner dated 23.04.2024 shall be considered by the respondent in the light of Para 12.4 of the Board proceedings in (Per.) FB TANGEDCO Proceedings No.11 dated 11.06.2020 on its own merits and in accordance with law and consider the claim of the petitioner for compassionate appointment, in any event within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

13.06.2024

Neutral Citation; Yes/No
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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

The Chief Engineer (Personnel),
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