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W.P.No.30595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.30595 of 2022

P.Sathya

...Petitioner

VS.

1. The Chairman cum Managing Director,
TANGEDCO,
NPKRR Maligai,
Chennai – 600 002

2. Superintending Engineer,
Salem Distribution Circle,
TANGEDCO,
Salem – 636 014

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance Certiorarified Mandamus, calling for the records on the file of the 2nd respondent herein in Ka.No.12220/438/Ni.Pi.II/UTHa.2/Ko.Va.Ve/2022 dated 01.08.2022 and quash the same and to consequently direct the respondents to appoint the petitioner in any post in the respondent corporation on compassionate grounds for the death of her husband K.Prakash.

For Petitioner : Mr.J.Titus Enock

For Respondents : Mr.S.Ravikumar

Standing Counsel

ORDER



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This writ petition has been filed challenging the order passed by the second respondent in Na.Ka.No.12220/438/Ni.Pi.II/UTha.2/Ko.Va.Ve/2022 dated 01.08.2022 and also seeks a direction to the respondents to appoint the petitioner to any post in the respondent corporation on compassionate grounds, following the death of her husband.

2. Heard both sides and perused the materials available on record.

3. The petitioner's case is that her husband namely Prakash, was a working Field Assistant in the office of the second respondent. He died while serving as Field Assistant on 27.06.2012, leaving behind his wife and a four-year-old son as his legal representatives without any means of livelihood. The petitioner submitted a representation on 12.07.2012 to the Chief Minister's Special Cell for compassionate appointment. Subsequently, the petitioner was called to appear before the second respondent and submitted all the required documents. The officials also conducted a field inspection on 01.12.2014, but kept the matter pending due to a criminal case registered against her husband. After his acquittal by a judgment dated 29.08.2014, the petitioner submitted another representation to the second respondent on 18.07.2022. However, the



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second respondent rejected the petitioner's claim on the ground that she had not filed the application for compassionate appointment within three years of the employee's death. Aggrieved by this decision, the petitioner has filed the present petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner after her husband's death, had given a representation on 12.07.2012 within the prescribed period of three years and the same was rejected on the ground that there was a criminal case pending against her husband. After his acquittal from the crime charged, she made another representation on 18.07.2022 and the same was also rejected on the ground of limitation. Therefore, he prayed that the petitioner be appointed to any post on compassionate grounds.

5. The learned standing counsel appearing for the respondents submitted that the respondents had rejected the petitioner's claim on the ground that the petitioner had made a request for employment on compassionate grounds in place of her deceased husband beyond the prescribed time limit. Hence, he prayed the writ petition be dismissed.



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6. In view of the submissions made and upon perusal of the materials available on record, this Court is inclined to direct the respondents to consider the petitioner's representation dated 18.07.2022 and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order. The delay in moving the claim for compassionate appointment is hereby condoned by this Court.

7. With the above observations and discussions, the writ petition is disposed of. No costs.

15.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Cases : Yes/No
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To
1. The Chairman cum Managing Director,



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VIVEK KUMAR SINGH. J.

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