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W.P.No.33797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

**W.P.No.33797 of 2024
and W.M.P.Nos.36605 and 36606 of 2024**

I.Abinesh

...Petitioner

Vs

1.The State of Tamilnadu
Rep. by its Secretary,
Department of Energy,
Fort St.George,
Secretariat,
Chennai - 600 009.

2.The Superintending Engineer (TANGEDCO)
Cuddalore Electricity Distribution Circle,
Capper hills,
Cuddalore - 4.

3.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Town-Cuddalore Port,
Cuddalore - 607 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the respondent No.2 dated 27.04.2020 in Ka.No.000741/மேபொ/கமிபவ/கட/நிர்.2/உ4/கோ.வா.வே/ 2020



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and quash the same as illegal and consequently direct the respondent No.2 to provide compassionate appointment to the petitioner on the basis of his educational qualification with consequential benefits with Officer of the Respondent No.3 within the time stipulated by this Court.

For Petitioner : Mr.V.Manikandan
For Respondents : Mr.Abishek Murthy for R1
Government Advocate
Mr.P.Subramanian for R2 and R3
Standing Counsel

ORDER

This writ petition has been filed to call for the entire records pertaining to the impugned order passed by the respondent No.2 dated 27.04.2020 in Ka.No.000741/மேபொ/கமிபவ/கட/நிர்.2/உ4/கோ.வா.வே/ 2020 and quash the same as illegal and consequently direct the respondent No.2 to provide compassionate appointment to the petitioner on the basis of his educational qualification with consequential benefits with Officer of the Respondent No.3 within the time stipulated by this Court.

2. The case of the petitioner is that the petitioner has completed X standard (Private Study). His father was working with the 3rd respondent's office as Field Assistant and on 02.04.2017, the petitioner's father died when he was in service. The petitioner, his mother and his



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younger brother and paternal grandmother are his four legal heirs. Due to sudden demise of his father, the petitioner could not take care of his family and have been forced to face heavy financial risk. Thus, the petitioner's mother made an application dated 18.03.2019 along with necessary documents to the 2nd respondent, within a period of three years from the date of his father's death requesting to provide compassionate appointment to the petitioner, but the same has been rejected by the 2nd respondent vide proceedings in Ka.No.000741/மேபொ/கமிபவ/கட/நிர்.2/உ4/கோ.வா.வே/ 2020 dated 27.04.2020 on the ground that, on the date of application, the petitioner was a minor i.e, 15 years old. Again on attaining majority, the petitioner has made an application to the 2nd respondent for compassionate appointment along with necessary documents and the same was received by the respondent on 24.04.2020. However, the request for compassionate appointment was rejected vide order dated 27.04.2020 on the ground that the petitioner has not completed 18 years of age and also the period of three years from the date of death of his father expired on 01.04.2020.

3. Learned counsel for the petitioner would submit that the impugned order dated 27.04.2020 is totally illegal because the petitioner's



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father died on 02.04.2017 and his mother made the first application on 18.03.2019 within a period of three years from the date of death of the deceased employee, but the same was rejected. Subsequently, on attaining majority, the petitioner made a second application, but the same was rejected by impugned order dated 27.04.2020 on the ground that the petitioner has not completed 18 years of age and the three years expired on 01.04.2020. He further submitted that the impugned order was passed on 27.04.2020. On that day, the petitioner was aged about 17 years 11 months and 7 days. In another 23 days, the petitioner will be completing 18 years of age. Without considering the same, the petitioner's application was rejected by the 2nd respondent. Aggrieved by the same, the present writ petition has been filed.

4. Learned counsel appearing for the respondents sought time to file counter. This Court is not inclined to give time to file the counter as the second respondent rejected the application for compassionate appointed on the ground of lack of 23 days. However, this Court heard the submissions made by the learned counsel for the respondents.

5. This Court gave its anxious consideration to the submissions



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made by the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. Considering the fact that the petitioner has attained majority and his mother made her first application way back on 18.03.2019 for compassionate appointment to the petitioner, which is within a period of three years from the date of death of petitioner's father. The rejection of the petitioner's application on the simple ground that the petitioner has not completed 18 years of age from the date of death of his father is nothing but an erroneous and the same is non application of mind. Therefore, the impugned order dated 27.04.2020 passed by the 2nd respondent is set aside and this Court directs the respondents to consider the petitioner's application and pass appropriate orders afresh and provide compassionate appointment to the petitioner on the basis of his educational qualification. The said exercise shall be completed within a period of twelve(12) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of.



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No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Speaking order/Non-speaking order

To

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V.BHAVANI SUBBAROYAN,J.

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