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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.33084 of 2023

and WMP No.32763 of 2024

C.Madhumitha

..Petitioner

Vs.

1. The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
Coimbatore Region,
Coimbatore.

2. The Superintending Engineer,
Udumalai Electricity Circle,
Udumalpettai – 642 125

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records calling for the records pertaining to the impugned orders made in Lr.No. 016488/ 778 /NIA/ NI. PIRIVU. 1/ UTHAVI. 1/ KO.VA.VE/ 22 dated 1.9.2022 and Lr. No. 001820/ 020/ NIA/ NI. PIRIVU. 1/ UTHAVI. 1/ KO.VA.VE/ 23 dated 20.03.2023 passed by the 2nd respondent , quash the same, and consequently



direct the respondents to consider the employment of the petitioner under Compassionate ground in the place of her father Late V.Chinnasamy who died in harness on 15.04.2018 and appoint her in any suitable post by considering her application dated 18.08.2022 and 27.01.2023 within the time fixed by this Court.

For Petitioner : Ms.K.Selvapriya

For Respondents : Mr.C.Ramkumar
Standing Counsel for R1 and R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 20.03.2023 and for a consequential direction to the respondents to consider the appointment of the petitioner on compassionate grounds in any suitable post by considering her application dated 18.08.2022.

2. Heard Ms.K.Selvapriya, learned counsel for the petitioner and Mr.C.Ramkumar, learned Standing Counsel for Respondents 1 and 2.

3. The case of the petitioner is that her father was working as a line



inspector in the office of the 2nd respondent. He died in harness on 15.04.2018 leaving behind the petitioner and her mother. At the time of his demise, the petitioner had not completed 18 years of age and therefore, the mother of the petitioner submitted an application dated 13.02.2021 seeking for compassionate appointment.

4. The 2nd respondent through communication dated 08.03.2021, rejected the said application on the ground that the petitioner has not completed 18 years of age.

5. The petitioner attained majority on 27.05.2022. Thereafter, the petitioner submitted an application dated 18.08.2022 seeking for compassionate appointment.

6. The 2nd respondent through proceedings dated 01.09.2022 has rejected the application on the ground that the application has been submitted beyond the period of three years from the date of demise of the petitioner's father. The said decision was also communicated to the petitioner through letter



dated 20.03.2023. The same has been put to challenge in the present writ petition.

7. The learned counsel appearing on behalf of the petitioner submitted that the respondent corporation has rejected the earlier application only on the ground that the petitioner had not attained majority on the date of submission of the application. In view of the same, immediately after the petitioner attained majority, the earlier application ought to have been restored and the claim made by the petitioner for compassionate appointment ought to have been considered. The learned counsel in order to substantiate her submission relied upon the judgement of the Division Bench in WA (MD) No.479 of 2024 dated 01.04.2024.

8. Per contra, the learned Standing counsel appearing on behalf of respondents submitted that in order to consider the application for compassionate appointment, the following conditions must be satisfied :-

- (a) The application must have been submitted within a period of three years from the date of demise of the employee.



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- (b) The applicant must have completed 18 years of age and
- (c) The applicant must have passed 8th Standard

9. The learned Standing counsel submitted that the 1st application submitted by the petitioner was rejected on the ground that the petitioner had not attained majority. The present application has been rejected on the ground that the application has been submitted beyond three years. It was contended that the reasons assigned in the impugned proceedings is perfectly in line with the Board proceedings dated 11.06.2020 and the same does not require the interference of this Court. Accordingly, the learned counsel sought for the dismissal of this writ petition.

10. The father of the petitioner, who was working as a Line Inspector in the Electricity Department died in harness on 15.04.2018. The application for compassionate appointment must be submitted within a period of three years. Admittedly, it was submitted within a period of three years by the petitioner's mother on 13.02.2021. The same was not entertained on the ground that the



petitioner had not completed 18 years of age.

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11. The petitioner had completed 18 years of age on 27.05.2022. The same was informed to the respondents by the petitioner through application dated 18.01.2022. The 2nd respondent has rejected the same on the ground that this application was given by the petitioner beyond three years.

12. In the considered view of this Court, the primary consideration while dealing with an application for compassionate appointment is to see as to whether the untimely death of the employee has resulted in the family losing its breadwinner and some member of the family has to be considered for compassionate appointment considering the financial situation of the family.

13. In the case in hand, the father of the petitioner died leaving behind the petitioner and her mother. He was the only earning member and the family has now been left in dire straits and therefore, some one in the family has to be provided an employment to tide over the situation.



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14. When the first application was submitted by the mother of the petitioner within three years, it was not entertained on the ground that the petitioner has not completed 18 years of age. The petitioner immediately after completion of 18 years of age, which took place in a couple of months, made an application and the same has been rejected on the ground that it was submitted beyond three years.

15. The respondent has taken a very hyper technical stand in this case. When the application was submitted by the petitioner's mother in the year 2021, considering the fact that the petitioner was attaining majority in the year 2022, it could have been kept pending for an year so as to consider the compassionate appointment of the petitioner in the year 2022. Instead, the respondents were only trying to find out a reason to reject the application for compassionate appointment.

16. In the case in hand, the family had lost a breadwinner and hence, the claim made for compassionate appointment has to be considered.



17. In the light of the above discussion, the impugned communications of the 2nd respondent in Lr.No. 016488/ 778 /NIA/ NI. PIRIVU. 1/ UTHAVI. 1/ KO.VA.VE/ 22 dated 1.9.2022 and Lr. No. 001820/ 020/ NIA/ NI. PIRIVU. 1/ UTHAVI. 1/ KO.VA.VE/ 23 dated 20.03.2023, are hereby quashed. The matter is remanded back to the file of the 2nd respondent. The 2nd respondent shall act upon the application submitted by the petitioner for compassionate appointment and pass orders, if the petitioner is otherwise qualified as per the Rules. This process shall be completed within a period of eight week from the date of receipt of a copy of this order.

18. In the result, this writ petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

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Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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To
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N. ANAND VENKATESH, J.

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