



W.A(MD)No.304 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

W.A.(MD)No.304 of 2024

and

C.M.P.(MD)No.2901 of 2024

M.Rajesh

... Appellant

Vs.

1.The Chief Engineer(Personnel)

Tamilnadu Electricity Generation and
Distribution Corporation,
No.144 Anna Salai,
Chennai-2.

2.The Superintending Engineer

Tamilnadu Electricity Generation and
Distribution Corporation,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.



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3.The Executive Engineer(Distribution),
Tamilnadu Electricity Generation
and Distribution Corporation,
Kadayanallur,
Tirunelveli District.

4.The Assistant Engineer, Rural / South
Tamilnadu Electricity Generation
and Distribution Corporation,
Puliangudi,
Tirunelveli District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD)No.16319 of 2018 dated 05.08.2021, on the file of this Court and allow this writ appeal.

For Appellant : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.S.Arivalagan,
Standing Counsel

J U D G M E N T

[Judgment of the Court was made by The Hon'ble CHIEF JUSTICE]

The present appellant had filed W.P(MD)No.16319 of 2018 challenging the order of the respondents rejecting the application of the appellant for compassionate appointment. The learned Single Judge dismissed the Writ Petition, aggrieved thereby, the present Writ Appeal.



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2. The learned counsel for the appellant vehemently contends that it is erroneous on the part of the respondents to contend that the appellant would not be entitled for compassionate appointment. The mother of the appellant was a permanent employee. As the mother of the appellant was a permanent employee, all the rights and privileges attached to the substantive post would become available including the policy for appointment on compassionate ground.

3. The learned counsel further submits that though initially the mother was appointed as a part time sweeper on 01.07.1997, she was made permanent. The appellant was absorbed as a permanent employee in a time scale pay with dearness allowance. All the perquisites of a regular employee are applicable to the mother of the petitioner, as such, it is erroneous on the part of the respondents to reject the claim of the appellant. The learned Single Judge failed to consider the said aspect.

4. The learned Standing Counsel for the respondents submits that being made permanent is not equivalent to being regularised in service. According to him, the scheme for compassionate



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appointment is not applicable to the persons who are under temporary appointment, consolidated pay, daily wages, contract appointment and services are not regularised, including part time conservancy workers.

5. We have considered the submissions canvassed by the learned counsel for the parties. We have also perused the orders passed by the learned Single Judge.

6. The appointment on compassionate ground is not a right. It flows from the executive policy of a Department. Each Department may have its own policy for appointment on compassionate ground. The purpose of appointment on compassionate ground is to provide immediate succor to the family of the deceased died in harness.

7. In the present case, the mother of the appellant died in the year 2013. More than 10 years have lapsed.

8. The proceedings No.11, dated 11.06.2020 of the Board's proceedings provides that the persons who are under temporary appointment, consolidated pay, daily wages, contract appointment and services not regularised, including part time conservancy workers, are



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not entitled for the policy of compassionate appointment. The Apex Court in a case of ***State of Madhya Pradesh and others Vs. Amit Shrivastava reported in (2020) 10 SCC 496*** relied by the learned Single Judge, observed that there is a distinction between the permanent employee and the regular employee whose services are regularised. Only by length of service a person would not get the status of a regular employee. In the present case, there is no order regularizing the services of the mother of the appellant.

9. In light of above, we do not find any error committed by the learned Single Judge.

10. The Writ Appeal, as such, is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G.,C.J.]

[P.D.B., J.]

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Index : Yes / No
Neutral Citation : Yes / No
RM



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