



W.P.(MD).No.6551 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6551 of 2023

K.Harish

...Petitioner

Vs

1.The Chairman cum Managing Director,
TANGEDCO,
800, Annasalai,
Chennai – 600 002.

2.The Chief Engineer (personal),
TANGEDCO,
800, Annasalai,
Chennai – 600 002.

3.The Superintending Engineer,
Karur Electricity Distribution Circle,
TANGEDCO,
Karur – 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent கடித எண்.09170/702/நிப. 2/உ.த.2/கோ.வாரிசுவேலை/2022 நாள் 11.08.2022 and quash the same and consequently direct the respondents to give compassionate appointment



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in the TANGEDCO to K.Harish S/o.A.Kanthasamy according to his educational qualification.

For Petitioner : Mr.G.Vidhyamaheswaran

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

Heard Mr.G.Vidhyamaheswaran, learned counsel for the petitioner and Mr.B.Ramanathan, learned Standing Counsel for the respondents.

2. This Writ Petition has been filed seeking to quash the order of the of the third respondent dated 11.08.2022 and consequently direct the respondents to give compassionate appointment in the TANGEDCO to K.Harish S/o.A.Kanthasamy according to his educational qualification.

3. Mr.G.Vidhyamaheswaran, learned counsel for the petitioner submitted that the petitioner's father namely, A.Kanthasamy, who was employed as a Wireman in Tamil Nadu Electricity Board died in harness on 15.01.2018. At the time of death of the father, the petitioner was 14 years old and his sister was 9 years old. The petitioner's mother



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submitted applications on 29.08.2019 and 04.08.2022 seeking for compassionate appointment. Thereafter, the petitioner has also submitted the application to the respondents on 04.08.2022.

4. However, the impugned order dated 11.08.2022 has been passed by the third respondent, rejecting the application seeking appointment under compassionate scheme by stating that the application has not been filed within three years from the date of deceased employee and when the time application was filed, the petitioner has not attained the age of 18 years.

5. The petitioner's father died on 15.01.2018 and the petitioner's mother had given the application on 29.08.2019 within three years for seeking compassionate appointment for her son/the petitioner herein, who was a minor at that point of time. Obviously, the petitioner being a minor could not have given an application on his own and his mother as a guardian, had given the application at that point of time. Until the petitioner attained majority, no order has been passed on the application filed by the mother.



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6. It might be possible that after attaining majority, the petitioner himself has given a representation to consider the earlier application. However, the respondents cannot consider that as the first application in order to count the period of limitation of three years. But, the date of application submitted by the petitioner's mother is well within the period of three years from the date of death of his father.

7. In the recent Government Order issued in G.O.(Ms).No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, it is stated that there shall be no minimum age limit for the applicant on the date of application for appointment. However, no appointment shall not be provided unless the applicant completes 18 years age. For the purpose of clarity, the above Rule is extracted as under:

“6. Age limit-(1) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, on the date of application for appointment.

(a) the spouse of the deceased or medically invalidated Government Servant or the parent of the deceased Government servant, must not have completed fifty years of age; and (b) the son, daughter, brother or sister of the deceased or medically invalidated Government servant must not have completed forty years of age.



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2) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, there shall be no minimum age limit for the applicant on the date of application for appointment.

Provided that appointment shall not be provided unless the applicant completes eighteen years of age.”

8. Mr.B.Ramanatha, learned Standing Counsel, for the respondents, considered that the scheme for giving compassionate appointment by the respondents would be governed under the TANGEDCO proceedings in (Per) FB TANGEDCO Pro No.11 dated 11.06.2020. However even that proceedings does not have any clarification as to the minimum age limit for submitting the application and hence the general rule in this regard can be taken as a guiding light.

9. Since the application has been rejected simply for the reason that the application has not been submitted within the three years from the date of the death of the deceased and that the petitioner was a minor at the time when the application was submitted, the impugned order is liable to be set aside.



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10. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order dated 11.08.2022 is set aside. The respondents are directed to reconsider the petitioner's claim with regard to appointment under compassionate scheme and pass orders on merits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

21.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

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R.N.MANJULA, J.

Nsr

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