



W.A.(MD)No.542 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)No.542 of 2021

S.Muthumani

... Appellant / Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai -2.

2. The Superintending Engineer,
TANGEDCO,
Virudhunagar Circle,
Virudhunagar.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow this writ appeal by setting aside the order passed by this Court in W.P.(MD)No.16479 of 2015 dated 18.06.2019.

For Appellant : Mr.Adarsh Subramanian

For Respondents : Mr.S.Arivalagan

* * *



W.A.(MD)No.542 of 2021

J U D G M E N T

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.The father of the writ petitioner joined TNEB as Helper in 1993. He was subsequently promoted as Wireman. He died on 19.10.2006 in a road accident. The mother of the writ petitioner submitted an application for granting compassionate appointment on 22.08.2007 itself. The petitioner was then aged around 10 years. Therefore, the question of considering the petitioner for appointment did not arise at all. The petitioner's mother again gave an application on 14.08.2008. The said application also could not be considered since the petitioner had not attained the age of 18 years. The third application was submitted by the petitioner on 17.07.2015. The said application was rejected by the Superintending Engineer, TANGEDCO, Virudhunagar Circle, vide order dated 23.07.2015. Challenging the same, the petitioner filed W.P. (MD)No.16479 of 2015. The writ petition was dismissed vide order dated 18.06.2019. Challenging the same, this intra-court appeal has been filed.



W.A.(MD)No.542 of 2021

3. After hearing the learned counsel on either side, we are satisfied that there is no case has been made out for interference. This is because, the issue raised in the writ appeal is no longer *res integra*. The Hon'ble Supreme Court in the decision reported in **(2000) 7 SCC 192 (Sanjay Kumar V. State of Bihar and Others)** had held that there cannot be reservation of vacancy till such time as the applicant becomes major after a number of years. The Hon'ble Division Bench vide order dated **03.08.2022 in W.A.(MD)No.533 of 2021 (The Superintending Engineer, Tamil Nadu Electricity Board V. K.Periannan)** had also taken a view that the scheme of appointment on compassionate ground cannot enable the minor to file an application after attaining the age of majority.

4.The father of the petitioner was appointed in the year 1996. He passed away in the year 2006. The petitioner attained majority only in the year 2015. There are two conditions in the scheme governing compassionate appointment ; i) the application must be submitted within three years and ii) the applicant must be eligible to be appointed. In this case, the first condition was fulfilled. The second condition was not fulfilled. In these circumstances, the authority was justified in negating



W.A.(MD)No.542 of 2021

the appellant's request. The learned Single Judge rightly observed that compassionate appointment cannot be one more source of recruitment.

The approach adopted by the learned single Judge cannot be faulted. The impugned order is sustained. This writ appeal stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
4th December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Chairman cum Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai -2.
2. The Superintending Engineer,
TANGEDCO,
Virudhunagar Circle,
Virudhunagar.



WEB COPY



W.A.(MD)No.542 of 2021

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

W.A.(MD)No.542 of 2021

04.12.2024