



W.P.(MD)No.12661 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12661 of 2022

M.Dakshinamoorthy

... Petitioner

vs.

The Superintending Engineer,
TANGEDCO,
Tirunelveli Distribution Circle,
Tirunelveli.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Ka.No.002375/044/Ni.A/Ni.P.3/U.3/Koo.Vaa.Velai/2019 dated 12.02.2020 and Ka.No.002227/022/Ni.A/Ni.P.3/U.3/Koo.Vaa.Velai/2021 dated 09.02.2022 and quash the same and consequently direct the respondent to provide employment to the petitioner on compassionate grounds within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.S.Arivalagan
Standing Counsel



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ORDER

Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondent.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Ka.No.002375/044/Ni.A/Ni.P.3/ U. 3/Koo.Vaa.Velai/2019 dated 12.02.2020 and Ka.No.002227/022/Ni.A/ Ni.P.3/U.3/Koo.Vaa.Velai/2021 dated 09.02.2022, quash the same and consequently direct the respondent to provide employment to him on compassionate grounds within the time fixed by this Court.

3. The petitioner's father who worked as a Wireman in respondent Corporation died on 20.04.2018 while in service. Subsequently, the petitioner has made an application to the respondents on 04.02.2020 seeking appointment on compassionate grounds within three years from the date of death of his father. However, the same was



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rejected vide order dated 12.02.2020 stating that the petitioner was a minor at the time when his father died. The petitioner had filed an another application on 02.02.2022 after he attained majority and the same was also rejected by *citing* the earlier rejection order.

4. Mr.S.Arivalagan, learned Standing Counsel appearing for the respondent submitted that when the Scheme itself stipulates that the applicant who applies for appointment on compassionate grounds ought to have been a major when the person in service died, the petitioner who was a minor at the relevant point of time cannot claim any condonation of delay of his application. The learned counsel further submitted that the Court cannot compel the respondent to violate the Scheme of Compassionate Appointment.

5. However, it is within the discretion of the respondent to consider the other circumstances in which the applicant's family was placed at the time of death of the petitioner's father died and take a decision as to why appeal filed by the petitioner after he attained majority



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cannot be considered. Hence, without setting aside the impugned orders, this Court can only observe that the respondent at his own discretion can re-consider the issue and pass fresh orders.

6. In view of the above observations, the writ petition is **disposed of** and the respondent is directed to re-consider the issue and pass orders afresh within his discretion within a period of four weeks from the date of receipt of a copy of this order. No costs.

06.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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