



W.P.(MD)No.14072 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.14072 of 2022 &
W.M.P.(MD)No.10044 of 2022

Nagaraj

... Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by its Chairman,
Electricity Department,
10th Floor, NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.

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

3.The Executive Engineer,
TANGEDCO, Sivakasi,
Virudhunagar District.

4.The Assistant Executive Engineer,
TANGEDCO, Thiruthangal,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records



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pertaining to the impugned order in Ka.No.9008/NiPi.2/U.2/ViMiPaVa/Virudhu/07 dated 19.04.2007 issued by the second respondent, quash the same and consequently direct the respondents to grant compassionate appointment to the petitioner.

For Petitioner : Mr.S.Muniyandi
For Respondent : Mr.M.Lingadurai,
Special Government Pleader for R1
Mr.S.Arivalagan
for R2 to R4

ORDER

Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for R1 and Mr.S.Arivalagan, learned Counsel appearing for the respondents 2 to 4.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Ka.No.9008/NiPi.2/U.2/ ViMiPaVa/Virudhu/07 dated 19.04.2007 issued by the second respondent, quash the same and consequently direct the respondents to grant appointment to him on compassionate grounds.



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3. The petitioner's father who worked as a Lineman in TANGEDCO, Virudhunagar District died on 19.01.1993 due to electrocution during work at Thiruthangal. The petitioner who was a minor on the date of death of his father, has subsequently made an application to the respondents after he attained majority seeking compassionate appointment. However, the same was rejected on the ground that the application was not filed within three years from the date of death of the Government employee. Hence, the writ petition.

4. Mr.M.Lingadurai, learned Special Government Pleader appearing for the petitioner submitted that the application has been given after 17 years from the date of death of the Government employee and the period of limitation of three years has already ended.

5. There is no doubt as to the fact that the application seeking appointment on compassionate grounds has to be filed within a period of three years from the date of death of the Government employee. However, in the instant case, the deceased Government employee had two



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sons including the petitioner; both of them were minor at the time of death of their father; and since the petitioner's mother was not eligible to make an application to get an appointment, she had also not filed an application seeking appointment on compassionate grounds.

6. Though the limitation period prescribed to submit an application for appointment on compassionate grounds is three years from the date of death of the Government employee, there are certain instances, in which, the Rules can be relaxed at the discretion of the respondents themselves, taking into consideration the holistic view of the situation of the family at the time of death of the Government employee. The petitioner's case is also one such case. Even though, this Court cannot pass orders directing the respondents to provide an appointment to the petitioner on compassionate grounds, the respondents shall consider the application of the petitioner in a positive manner. It is only observed that the respondents shall re-look the circumstances of the petitioner's family at the time of the death of the petitioner's father and pass orders afresh that it deems fit.



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7. In view of the above observations, the writ petition is **disposed of** and the second respondent is directed to re-look the circumstances of the petitioner's family at the time of the death of the petitioner's father and pass orders afresh that it deems fit, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.06.2024

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

mbi

To

1.The Chairman,
Electricity Department,
10th Floor, NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.



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R.N.MANJULA, J.

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