



W.A.(MD)No.864 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A.(MD)No.864 of 2019

S.Selvakumar

... Appellant / Petitioner

Vs.

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

... Respondent / Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 12.07.2019 passed in W.P.(MD)No.903 of 2015 and allow the writ appeal.

For Appellant : Mr.H.Arumugam

For Respondent : Mr.S.Arivalagan,
Standing Counsel.



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JUDGMENT

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(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The appellant's father was employed as Foreman Grade I in TANGEDCO. He passed away on 25.04.2008. An application for appointment on compassionate grounds was submitted on 20.04.2011. It was rejected since during the relevant the applicant was a minor. The applicant attained majority on 13.02.2014. Thereafter, a fresh application was submitted on 25.07.2014 and it was rejected on 08.09.2014. Questioning the same, the appellant filed W.P.(MD)No.903 of 2015. It was dismissed vide order 12.07.2019. Challenging the same, this writ appeal came to be filed.

3.The issue raised in the writ appeal is squarely covered by more than one decision. The Hon'ble Supreme Court in the decision reported in **(2000) 7 SCC 192 (Sanjay Kumar Vs. State of Bihar)** held that there cannot be reservation of a vacancy till such time as the applicant



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becomes major. The Hon'ble Division Bench of this Court vide order dated 03.08.2022 in W.A.(MD)No.533 of 2021 had held as follows:-

“7.It is brought to our notice a few judgments to support the view of the Writ Petitioner that the minor is entitled to seek appointment upon attaining majority, even if the application is beyond the period of three years, after the death of the deceased employee. The Full Bench has considered all these aspects and approved the judgment of the Division Bench in the case of E.Ramasamy Vs. Tamil Nadu Electricity Board, W.A.Nos.336 of 2003, 997 of 2006 and 1006 of 2006, dated 18.09.2006. It is held that the appointment on compassionate ground has to be strictly followed in accordance with the relevant G.Os or the scheme that has been framed by the employer and any deviation is not permissible.

9.The counsel appearing for the writ petitioner is not able to persuade this Court that the scheme of appointment on compassionate ground enable the minor to file an application after attaining majority even though his application is beyond the period of three years. Therefore, the writ appeal is allowed. No costs. Consequently, connected C.M.P is closed.”

4.In this case, the appellant attained majority only six years after the demise of his father. Therefore, his application was well beyond the three year time limit. The scheme for compassionate appointment



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governing TANGEDCO does not permit entertaining application three years after the demise of the employee.

5.In this view of the matter, the order of the learned Single Judge dismissing the writ petition is well founded. Interference is not warranted. The writ appeal is dismissed. No costs.

(G.R.S. J.) & (R.P. J.)
07.11.2024

NCC : Yes/No
Index : Yes / No
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