



W.P.(MD)No.19647 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.19647 of 2022

and

W.M.P(MD)No.14356 of 2022

Mr.Saravanakumar

... Petitioner

vs.

1.The Chairman,
TANGEDCO,
Chennai.

2.The Superintending Engineer,
TANGEDCO Trichy Electricity Distribution Circle,
Tamilnadu Electricity Board, Metro,
Trichy – 20.

... 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 pertaining to the impugned order passed by the second respondent in his letter No.205/NiPi1/ENiU/KoVaVe/2020 dated 16.04.2020 and letter No.205/NiPi1/ENiU/KoVaVe/2020 dated 10.09.2020 in rejecting the application for compassionate appointment and quash the same and further direct the respondents to provide the petitioner employment on compassionate grounds.



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For Petitioner :Mr.S.Sarvagan Prabhu
For Respondents :Mr.B.Ramanathan,
Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the impugned order passed by the second respondent in his letter No.205/NiPil/ENiU/KoVaVe/2020, dated 16.04.2020 and letter No.205/NiPil/ENiU/KoVaVe/2020, dated 10.09.2020, rejecting the application for compassionate appointment and to direct the respondents to provide employment to the petitioner on compassionate grounds.

2. The petitioner's father who was working as a Foreman in the respondent Electricity Board died on 30.08.1989 while he was in service. The application made by the petitioner seeking compassionate appointment was rejected on the ground that the application seeking compassionate appointment has been filed beyond the limitation period.



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3. However, the learned counsel for the petitioner submitted that earlier, the petitioner's mother submitted an application on 04.02.1990 ie., within six months from the date of death of the employee. But, the respondents were on the wrong impression that the petitioner's application was filed beyond three years and they rejected the same.

4. The mother of the petitioner Sampooram earlier filed a writ petition before the Principal Bench of this Court in W.P.No.8322 of 2001 challenging the rejection order. The said writ petition was allowed vide order dated 09.10.2002 wherein it is held that Sampooram had submitted an application on 04.02.1990, ie., within six months from the date of death of the employee. Against the said order, an appeal was preferred W.A.No.1507 of 2005. The mother of the petitioner has raised a contention that her original application was filed within six months. However, the said writ appeal was allowed in favour of the respondent Board. Subsequently, the petitioner has filed a WP.No.26906 of 2012 wherein he got a direction in his favour. For the sake of clarity, Paragraph Nos.13 and 14 of the order dated 21.03.2019 passed in



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W.P.No.26906 of 2012 are extracted as below:

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“13. In view of the above reasons, I hold that the respondents have to once again reconsider independently the representations of the petitioner taking into consideration the fact that there was an earlier representation of his mother and pass a detailed order also taking into account the scope of B.No. 17, dated 01.11.2011 issued by the first and second respondents.

14. In view of the above reasons, I hold that the impugned letters dated 15.02.2012 and 20.06.2012 issued by the third respondent in his office Letter No. 001325/756/Ni.Pi.1 E.Ni.Vu.1/Ko. Compassionate Appointment/2012, and in Letter No. 111906/116/Ni.Pi.1/E.Ni.Vu/Ko. Compassionate Appointment/2012 have to be necessarily quashed and set aside. The respondents are directed to examine the representation of the petitioner dated 14.03.2012 afresh taking into account of the entire circumstances surrounding the case and the scope of B.No. 17 dated 01.11.2011 and pass fresh orders within a period of three months from the date of receipt of a copy of this order.”



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Subsequent to the above direction, the application made by the petitioner was rejected stating that the petitioner's application was not placed in time.

5. Since the above issue has already been dealt with in the earlier writ petition and only after a direction has been passed to the consider the application of the petitioner on merits, the respondent Board had chosen to dismiss the application on technical ground. In view of the above stated reasons, I feel that the impugned orders are liable to be set aside.

6. In the result, the impugned orders passed by the second respondent, dated 16.04.2020 and 10.09.2020, are set aside and the second respondent is directed to consider the matter strictly in accordance with law as per the earlier order passed in W.P.No.26906 of 2012, dated 21.03.2019, within a period of six weeks from the date of receipt of a copy of this order.



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7. With the above directions, this writ petition is disposed of.

No Costs. Consequently, connected Miscellaneous Petition is closed.

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NCC: Yes/No
Index : Yes/No
PM

To

- 1.The Chairman,
TANGEDCO,
Chennai.
- 2.The Superintending Engineer,
TANGEDCO Trichy Electricity Distribution Circle,
Tamilnadu Electricity Board, Metro,
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R.N.MANJULA, J.

PM

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