



W.P.(MD)No.19802 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.19802 of 2022

V.Muthukumar

... Petitioner

vs.

1.The Chairman,
TANGEDCO,
NPKRR Maaligai,
144, Anna Salai,
Chennai.

2.Chief Engineer(Personnel),
TANGEDCO,
8th Floor, Eastern Wing,
NPKRR Maaligai,
144, Anna Salai,
Chennai.

3.The Superintending Engineer,
Trichy Electricity Distribution Circle/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 calling for the records relating to the impugned order in கடித எண்.599/நி.பி. I/இ.நி.உ./கோ.வா.வே/2021 dated 13.08.2021 of the third respondent and quash



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the same and subsequently direct the respondents to provide any suitable post to the petitioner on compassionate ground.

For Petitioner :Mr.K.C.Maniyarasu
For Respondents :Mr.B.Ramanathan,
Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the impugned order passed by the third respondent in his letter dated 13.08.2021 and to direct the respondents to provide any suitable post to the petitioner on compassionate ground.

2. The petitioner's father who was working as an Inspector of Assessment in the respondent Electricity Board died on 27.10.1990 while he was in service. The application made by the petitioner on 12.02.2007 seeking compassionate appointment was rejected on the ground that the application has been filed beyond the limitation period.



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3. The learned counsel for the petitioner submitted that the respondent Board has issued proceedings in (Per.)B.P.Ms.(F.B)No.3, Administrative Branch, dated 09.01.2007 and passed an order by relaxing the limitation of three years period for the legal heirs of those employees who died prior to 13.10.1995. Relevant part of the said proceedings is extracted below:

4. Accordingly the Board hereby to pass the following orders.

- i. In respect of Board employee who died prior to 13.10.1995, the condition that they should apply within 3 years need not be applied, and they may be permitted to apply without insisting on any time limit.*
- ii. Already rejected cases in view of the above reason may be reopened and considered within a period of one year.*
- iii. The Board also directs that the reopened past cases be examined only on merit and each case placed before the Board for approval.*



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4. But however, in the impugned order the reason stated for rejecting the application is about the delay in filing the application. The petitioner earlier filed W.P(MD)No.8546 of 2019 and sought a direction to consider the petitioner's application in the light of the above referred Board's proceedings and he has also obtained a direction against the respondents. In spite of the same, the respondents did not choose to consider the petitioner's application in the light of the above proceedings in (Per.)B.P.Ms.(F.B)No.3, Administrative Branch, dated 09.01.2007. But, simply rejected the application of the petitioner.

5. Since the very benefit of the orders passed in (Per.)B.P.Ms. (F.B)No.3, Administrative Branch, dated 09.01.2007, itself to give relaxation to the legal heirs of the employees, who died prior to 13.10.1995, the same ought to have been considered on merits without beating around the delay. For the above stated reasons, I feel that the impugned order is liable to be set aside.



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6. In the result, the impugned order passed by the third respondent, dated 13.08.2021, is set aside and the third respondent is directed to consider the application of the petitioner in the light of the proceedings in (Per.)B.P.Ms.(F.B)No.3, Administrative Branch, dated 09.01.2007 and pass orders afresh within a period of six weeks from the date of receipt of a copy of this order.

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

No Costs.

06.06.2024

NCC: Yes/No

Index : Yes/No

PM

To

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3.The Superintending Engineer,

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R.N.MANJULA, J.

PM

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