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W.P.(MD) No.15427 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.15427 of 2018

T.Ayyanar

... Petitioner

-VS-

The Superintendent Engineer
TANGEDCO
Madurai Electricity Distribution Circle
Madurai-7

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the respondent in Ka.No. 014806/Ma.Po/MAMIPAVA/MADHU/NEA/NIBI/II/U3/16 dated 29.01.2016 and quash the same and consequently direct the respondent herein to appoint petitioner in any suitable post by the respondent within the time stipulated by this Court.



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For Petitioner : Mr.P.Mahendrapandi

For Respondent : Mr.S.Arivalagan
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order, dated 29.01.2016, passed by the respondent – TANGEDCO, rejecting the petitioner's request for compassionate appointment, on the ground that one of the members of the petitioner's family is already having a Government job.

2. The following are the undisputed facts:

- (a) The petitioner's father died on 03.05.2013, while he was in service with the respondent – TANGEDCO.
- (b) The petitioner had sent a representation to the respondent – TANGEDCO seeking for compassionate appointment on 09.03.2015. At the time of death of his father, the petitioner was a major.



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- (c) The impugned order, dated 29.01.2016, was passed by the respondent stating that the petitioner's elder brother is already working in Government Service in Health Department, though the petitioner may contend that it was not a permanent employment, and therefore, he is not eligible to seek for compassionate appointment.
- (d) The petitioner's elder brother continues to work in the Health Department till date, even after a lapse of more than eight years from the date of the impugned order.

3. Compassionate appointment is granted only to tide over the initial financial crisis of the family due to the unexpected death of the Government servant. In the instant case, even though the impugned order was passed on 29.01.2016, this writ petition was filed by the petitioner only in the year 2018. It is also an undisputed fact that the elder brother of the petitioner is already employed in Government service and he continues to be



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in the same employment till date. If really the petitioner was in the desperate need of compassionate appointment, he would have approached this Court immediately after passing of the impugned order to tide over his financial crisis on account of the unexpected death of his father. However, he has chosen to file this writ petition only in the year 2018 after a lapse of more than two years from the date of the impugned order.

4. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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ABDUL QUDDHOSE, J.

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