



W.P.(MD)No.24741 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.24741 of 2022

S.Lingesh

... Petitioner

Vs.

The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Aringar Anna Building,
Maharaja Nagar, Thirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in க.எண். 027011526 நி.அ /நிபி.3 / உ3 /கோ.வா. வேலை/2021 dated 22.12.2021 and quash the same as unconstitutional, illegal and unlawful and direct the respondent to provide employment to the petitioner under compassionate ground more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondent : Mr.S.Arivalagan,
Standing Counsel

ORDER

Heard Mr.J.Pooventhra Rajan, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondent.



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2. The petitioner herein has filed this Writ Petition seeking to quash the impugned order passed by the respondent dated 22.12.2021 and consequently direct the respondent to provide employment to the petitioner on compassionate ground.

3. The petitioner's father, who was working as an Assessor, died on 12.02.2016 while he was in service. Even though the petitioner has filed an application within three years from the date of death of the employee, before the respondent on 11.02.2019 seeking appointment to him on compassionate grounds, the said application was rejected by the respondent on 22.02.2019 stating that he has not attained the age of 18 years. However, the petitioner filed another application on 22.11.2021 before the respondent after he attained majority. But the respondent has rejected the application stating that he has not attained the age of 18 years.

4. Though in sixth sense, the applications have to be filed by complying the rules of three years limitation and that the applicant should have attained majority at the time when the applications have been filed. There are some extraneous circumstances where the legal heirs of the deceased himself have filed an application, but due to his minority, it was not taken into consideration.



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However, despite there are orders stating that the application of the minor shall not be considered, in certain cases, after the attainment of majority, the applications are considered on the other ground without beating her around the reason of delay and minority. Hence, it is within the discretion of the respondent to reconsider the application of the petitioner in true letter and spirit on compassionate scheme and pass appropriate orders on other merits.

5. In view of the above, this Writ Petition is **allowed** and the impugned order passed by the respondent in L.No.027011/526/Ni.A/Ni.P.3/U. 3/Ko.Vaa.Velai/2021 is set aside and the respondent is directed to consider the application submitted by the petitioner and pass appropriate orders on other merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

06.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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R.N.MANJULA, J.

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