



W.A.(MD)No.1453 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2024

CORAM

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

W.A.(MD)No.1453 of 2019

1.M.Maruthamuthu

2.M.R.Vigneswaran

... Appellants / Petitioners

Vs.

1.The Secretary,
Tamil Nadu Electricity Board,
Chennai.

2.The Chairman,
Tamil Nadu Electricity Board,
Chennai.

3.The Superintending Engineer,
Trichy Electricity Distribution Circle (City),
Urban, Trichy. ... Respondents / Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside
the order dated 20.08.2019 passed in W.P.(MD)No.12396 of 2014 and
allow the writ appeal.



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For Appellants : Mr.N.R.Murugesan

For Respondents : Mr.B.Ramanathan,
Standing Counsel.

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JUDGMENT

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

Heard both sides.

2.The wife of the first appellant and the mother of the second appellant namely, Rajeswari was employed as Assessor in Navalpattu Division of TNEB. She passed away while giving birth to the second appellant on 15.07.1992. The first appellant was then working as Clerk in civil service corporation. He had given an application for grant of appointment on compassionate grounds in favour of one of the children. The said request was renewed subsequently. It was rejected vide order dated 28.11.2012. Questioning the same, W.P.(MD)No.12396 of 2014 was filed. The writ petition was dismissed on 20.08.2019. Challenging the same, this writ appeal came to be filed.



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3.We are satisfied that there is absolutely no merit in this writ appeal. The employee concerned passed away way back on 15.07.1992. The writ petition was filed 22 years later ie., in the year 2014. The object of providing appointment on compassionate grounds is to enable the dependent family to tide over immediate financial crisis. Such is not the case here.

4.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 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



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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.”

5.The impugned order passed by the learned Single Judge 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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