

W.P.No.2551 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.2551 of 2025 &

W.M.P.No.2865 of 2025

R.Renuga

... Petitioner

-Versus-

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
- 2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
- 3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Vellore Distribution Circle,
Gandhi Nagar, Vellore – 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the third respondent in Letter No.014846/228/Ni.Pi.3/U.2 and Ko Varisu Velai/2017, dated 23.09.2017 the consequential order passed in Let.No.013492/354/Ni.Pi.3/U.2/Ko Varisu Velai/2023, dated Nil.08.2023 signed on 19.08.2023 and quash the same and consequently direct the respondents to provide suitable employment to the



W.P.No.2551 of 2025

petitioner's son namely Thiru. R.Jayaseelan, on compassionate grounds, in the light of the order passed in W.A.No.4062 of 2019 dated 26.11.2019 and in W.A.No.1444 of 2024 dated 03.07.2024.

For Petitioner : *Mr.S.N.Ravichandran*

For Respondents : *Mr.C.Manoharan,*
Standing Counsel

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order passed by the third respondent dated 23.09.2017 and the consequential order passed also by the third respondent on 19.08.2023 and quash the same and direct the respondents to provide employment commensurate with the qualification of the son of the petitioner, R.Jayaseelan on compassionate grounds

2. In the affidavit filed in support of the writ petition, it had been pointed out that the husband of the petitioner was working as Assessor in the office of the Junior Engineer / Operation and Maintenance, Chakkramallur, Vellore Electricity Distribution Circle on 12.01.2016. The petitioner had given an application seeking grant of employment on compassionate ground on 22.05.2017. That was rejected on 23.09.2017 holding that the petitioner was not suitably qualified to be granted any employment.



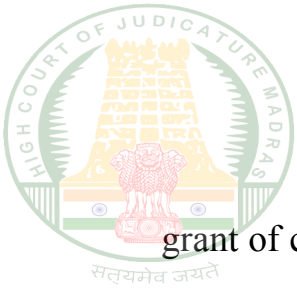
W.P.No.2551 of 2025

WEB COPY

3. The son of the petitioner was born on 27.03.2003 and he attained the age of majority on 27.03.2021. Thereafter, a fresh application was submitted on 02.06.2023 again seeking employment on compassionate ground, this time for the son of the petitioner. This was rejected on 19.08.2023 holding that the application had been given with delay.

4. In the counter affidavit filed by the third respondent/Superintending Engineer, Vellore Electricity Distribution Circle/TANGEDCO, Gandhi Nagar, Vellore, he had cited about 10 judgments.

5. It is trite to point out that in the affidavit, statement of facts alone must be stated and there law cannot be pointed out by the deponent of the counter affidavit. If the law is pointed out by the deponent of the counter affidavit, there is no necessity for an Advocate to represent the said deponent. He might as well appear as party in person since he appears to be a person letters in law and does not require the assistance of any counsel. Be that as it may, it is also to be noted that the respondents/TANGEDCO have rules for



W.P.No.2551 of 2025

grant of compassionate appointment to their employees who have unfortunately died while in service.

6. The judgments stated by the third respondent in his counter affidavit states that compassionate appointment cannot be granted when there are no rules in place. That judgment is not applicable to the respondents. Further judgment had been cited that the compassionate appointment cannot be sought as inheritance. This one particular line had been stated from the judgment of the Supreme Court without stating as to what circumstances was that employment therein claimed as inheritance. The next judgment relied on is about the financial condition of the family which seeks employment on compassionate grounds. Individual circumstances will have to be pleaded which will have to be assessed by the jurisdictional Revenue Officials and therefore that exercise necessarily will have to be done before employment is sought or granted. The mere fact that it is sought would also include penury circumstances.

7. Further judgment had been cited that compassionate appointment cannot be provided for endless compassion. It had been further pointed out that



W.P.No.2551 of 2025

after an applicant attained the age of majority and after a number of years,

unless and until there is a strict provision compassionate appointment cannot be sought. In the instant case, immediately when the son of the petitioner had become a major, an application has been forwarded seeking compassionate appointment. Further judgment had been pointed out that after many years of the death of an employee, the compassionate employment cannot be sought. Here the mother had given an application immediately on death of his husband and thereafter, when the son had become major, an application had been filed seeking compassionate appointment. Further judgment had been cited that the compassionate appointment cannot be granted contrary to policy. The third respondent who had filed the counter affidavit had not indicated the policy of the respondents. This counter affidavit is rejected.

8. It is not known as to why after filing such a counter affidavit, the third respondent had still to give instructions to the counsel to argue the case. The third respondent might as well have appeared in person before this court. A Division Bench of this Court had held in W.A.No.1444 of 2024 dated 03.07.2024 as follows:

“2. A vignette of the facts leading to the filing of this writ appeal would suffice.



WEB COPY



W.P.No.2551 of 2025

2.1. *The respondent's husband who was employed in the appellant Corporation died in harness on 30.07.2014 leaving behind him, the respondent, his mother and two sons. On 31.03.2017, the respondent made an application to the appellant Corporation seeking appointment for her son named Kishore Kumar, on compassionate ground. The said application was returned by the appellant Corporation on 10.04.2017 on the ground that the respondent's son had not completed 18 years of age. Not stopping with that, the respondent was informed to submit a representation seeking appointment on compassionate ground on her son completing 18 years of age. (emphasis supplied)*

2.2. *Accordingly, on her son attaining the age of majority on 03.11.2018, the respondent promptly resubmitted her application for compassionate appointment on 12.06.2019 to the appellant Corporation, which was turned down by the third appellant vide order dated 21.09.2020 stating that the respondent had made the claim after the expiry of three years from the date of demise of her husband.*

2.3. *The aforesaid order was challenged by the respondent in a writ petition being W.P. No.13307 of 2021, in which, a learned Judge, vide order dated 18.10.2023,*



WEB COPY



W.P.No.2551 of 2025

*following the judgment of the Supreme Court in **Chief Engineer, T.N.E.B. v Indraniammal** (C.A. No.2039 of 2006 decided on 30.03.2010), quashed the impugned order and allowed the writ petition.*

*2.4. Thereagainst, the TANGEDCO has preferred the instant writ appeal primarily on the ground that the judgment in **Indiraniammal**, supra, is not applicable to the facts of the instant case.*

3. Heard the learned counsel for the appellant Corporation and learned counsel for the respondent.

*4. The facts summed up above are not in dispute. The only point that requires to be considered in this writ appeal is whether the learned Judge is correct in quashing the order of rejection dated 21.09.2020 and allowing the writ petition by placing reliance on **Indiraniammal**, supra.*

*5. Thus, it becomes imperative to advert to the facts that obtained in **Indiraniammal**, supra, which also arose from this Court.*

*5.1. In **Indiraniammal**, supra, the husband of Indiraniammal, died in harness in 1996. Indiraniammal made an application to the Electricity Board in 1999*



WEB COPY



W.P.No.2551 of 2025

seeking appointment on compassionate ground to her 11 year old son. The Electricity Board informed her that her son could be given appointment only on he becoming a major. With fond hopes, Indiraniammal, after her son attained majority, addressed yet another representation in 2003 reiterating the same request. However, her representation was rejected on the ground that her application is beyond the period of three years from the date of passing away of her husband.

5.2. The rejection order was challenged by Indiraniammal in a writ petition being W.P. No.21512 of 2003, which was dismissed vide order dated 13.10.1995, on the ground of laches on the part of Indiraniammal.

5.3. Thereagainst, Indiraniammal preferred a writ appeal being W.A. No.3050 of 2003. The Division Bench, vide judgment dated 08.03.2005, finding that Indiraniammal's son cannot be deprived of appointment on the ground of laches, quashed the order of the learned Judge and the rejection order passed by the Electricity Board, and directed the Electricity Board to consider the representation of Indiraniammal and provide appointment on compassionate ground to her son.

5.4. The Electricity Board took the judgment of the



WEB COPY



W.P.No.2551 of 2025

Division Bench on appeal to the Supreme Court, which, vide order dated 30.03.2010, dismissed the appeal confirming the judgment of the Division Bench.

*6. From the aforesaid, it is crystal clear that the facts in **Indiraniammal**, supra, and the facts in the instant case, are no different and hence, the said judgment is applicable to the instant case on all fours. As a sequitur, we have no incertitude in holding that the learned Judge is perfectly justified in granting relief to the respondent, by placing reliance on **Indiraniammal**, supra. In the result, this writ appeal fails and is accordingly dismissed sans costs. Connected C.M.P. is closed.”*

9. It is seen that even in the judgments quoted above, the husband of the petitioner therein had died while in service and thereafter an application was filed seeking compassionate appointment immediately after the son had become a major, further application had been filed.

10. The rejection made by the respondents on the ground that the application had been filed with delay has to be rejected by this Court. The impugned order is set aside. A direction is given to the respondents to examine the application of the petitioner afresh and provide employment commensurate with the qualification of the son of the petitioner herein. Necessary orders must



W.P.No.2551 of 2025

be passed within a period of six weeks from the date of receipt of a copy of this

order. The respondents may also examine the financial circumstances of the family of the petitioner before taking a decision.

11. The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

17.04.2025

nl

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

To

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
- 2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
- 3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Vellore Distribution Circle,
Gandhi Nagar, Vellore – 6.



WEB COPY



W.P.No.2551 of 2025

C.V.KARTHIKEYAN, J.

nl



WEB COPY



W.P.No.2551 of 2025

W.P.No.2551 of 2025

17.04.2025