



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4419 of 2025

1.Datchayini

2.S.Jaikar

.. Petitioners

Vs.

Tamil Nadu Generation and Distribution Corporation
Rep. by its Superintending Engineer,
Chennai Electricity Distribution Circle (North)
No.144, Anna Salai,
Chennai – 600 002.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the respondent and quash the order of the respondent dated 03.12.2024 bearing Ku.No.133618/Me.Po./Se.Mi.Pa.Va/Va.Ni.A/Ni.P4/U.3/Ko.Va.Ve/24, as illegal, arbitrary and contrary to law and consequently direct the respondent to appoint the 2nd petitioner on compassionate ground to any eligible post in the respondent corporation within the time frame stipulated by this Court.



For Petitioner .. Mr.Balan Haridas
For Respondents .. Mr.David Sundar Singh,
Standing Counsel

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 03.12.2024 passed by the respondent and to direct the respondent to appoint the 2nd petitioner to any eligible post in the respondent corporation on compassionate grounds.

2.The 1st petitioner is the paternal grandmother of the 2nd petitioner. The 2nd petitioner is aged 18 years old. His father M.Saminathan was working, as Commercial Assistant at Kavarapettai, under the respondent Corporation on and from 02.03.2000. He died on 29.04.2014 during his period of service. The two petitioners were his legal heirs along with the mother of the 2nd petitioner. There was also a sister to the 2nd petitioner.

3.The mother immediately after the death of the father had sought appointment on compassionate grounds. This can be gauged from the letter



issued by the Superintending Engineer, ECD / North dated 12.05.2016, where there is a reference to an application dated 31.12.2015 by the mother of the 2nd petitioner. The respondent had called upon the mother of the 2nd petitioner to produce educational certificates and such other documents.

4.It is contended by the learned counsel for the petitioners that the mother was also unfortunately sick during the relevant period and therefore, she was not in a position to take up employment. She also died on 05.06.2018. Now, after attaining the age of majority on 30.06.2024, the 2nd petitioner has made yet another application seeking consideration to be appointed him on compassionate basis.

5.The Hon'ble Supreme Court had very recently passed a judgment dated **11.02.2025 in Civil Appeal No.255 of 2025, Canara Bank Vs. Ajithkumar G.K**, wherein it had been stated that among other factors to be considered for grant of employment on compassionate grounds, one of the primary factors is the indigent position of the family.

6.It is seen that, in this case, the 2nd petitioner's father died while in



service on 29.04.2014. The mother was also sick and she also died on 05.06.2018. On that date, the 2nd petitioner was aged 12 years and the sister was aged 13 years. The 2nd petitioner had to take refuge with the 1st petitioner / paternal grandmother, who herself is a senior citizen and therefore, it is very evident that the family members have suffered owing to the sudden death of both the parents of the 2nd petitioner herein.

7. In the impugned order, the respondent has taken a stand that the 2nd petitioner had not applied within a reasonable period of time seeking employment. But the records show otherwise. In the letter of the respondent dated 12.05.2016, there is reference to an application made by the mother of the 2nd petitioner on 31.12.2015 within a period of three years from the date of death of the father. Thereafter, the mother had also died. The 2nd petitioner was just 12 years. He could not have applied seeking compassionate employment. He had to wait till he attained the age of 18 years. Now, he has attained the age of 18 years.

8. It is thus seen that the grounds raised by the respondent do not withstand judicial scrutiny. The impugned order is set aside. The matter is



remitted back to the respondent with a direction, that if the 2nd petitioner is otherwise eligible and on enquiring into the economic situation of the petitioners herein, and also as to the sufferings they had till the date of the death of the father and mother of the 2nd petitioner, to pass necessary orders appointing the 2nd petitioner to any suitable post, if there are no other impediments. Such order is to be passed within a period of three months from the date of receipt of a copy of this order.

9. With the above observations, this Writ Petition stands disposed of.

No costs.

12.02.2025

Index: Yes/No
Internet: Yes/No
smv

To

The Superintending Engineer
Tamil Nadu Generation and Distribution Corporation
Chennai Electricity Distribution Circle (North)
No.144, Anna Salai,
Chennai – 600 002.



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C.V.KARTHIKEYAN,J.

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