



WP No. 4991 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 4991 of 2025

M.Lokesh Babu

Petitioner

Vs.

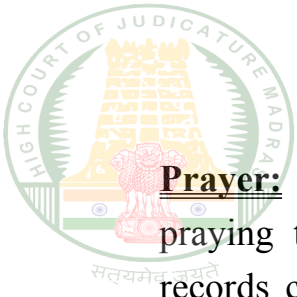
1. The Chairman Cum Managing
Director,
Tamilnadu Generation And Distribution
Corporation Ltd.,
No.144 Anna Salai, Chennai – 600002.

2.The Chief Engineer / Personnel
Tamilnadu Generation And Distribution
Corporation Ltd.,
No.144 Anna Salai, Chennai 600002.

3.The Additional Chief Engineer
Tamilnadu Generation And Distribution
Corporation Ltd.,
Dharmapuri Electricity Distribution
Circle, Dharmapuri.

4.The Superintending Officer
Tamilnadu Generation And Distribution
Corporation Ltd.,
Dharmapuri Electricity Distribution
Circle, Dharmapuri – 6.

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in Ka.No.537/Me.Po./Ni.Pi.2/U.1/Ko. Varisu Velai/2016, dated 17.11.2016 and the consequential impugned order passed by the 4th respondent in Ka.No.690/349/Nir.1/U.4/Co.Vae.Va/2022, dated 17.09.2022 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner on compassionate grounds.

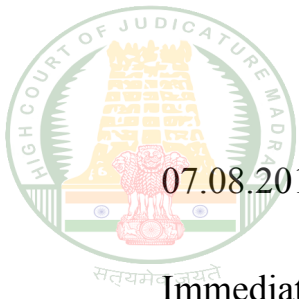
For Petitioner(s): Mr.S.N. Ravichandran

For Respondent(s): Mr.C.Manoharan

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking the records relating to an order dated 17.11.2016 and a consequential order passed by the fourth respondent dated 17.09.2022 and quash the same and direct the respondents to provide suitable employment to the petitioner on compassionate grounds.

2.In the affidavit filed in support of the writ petition, it had been contended that the father of petitioner, Thiru.Murugesan was working as Foreman in the office of the Assistant Engineer/Maintenance at Dharmapuri Electricity Distribution Circle, Dharmapuri. He died due to Heart Attack on



07.08.2015. The petitioner was a minor aged about 14 years at the time of death.

Immediately, thereafter the mother had given an application on 04.11.2016 seeking compassionate appointment for the petitioner. The third respondent by a letter dated 17.11.2016 rejected the said application on the ground that petitioner was less than 18 years. Thereafter, after attaining the age of 18 years, the mother of petitioner gave another representation on 15.07.2020 as a continuity of the earlier representation. Thereafter, the covid-19 pandemic struck and there was no further progress. The petitioner had also obtained an indigent family certificate vide a certificate issued by the jurisdictional Tahsildar. The respondents had however rejected even the second representation. Questioning these two orders, the writ petition has been filed.

3. The learned counsel petitioner pointed out that the application had been made within a period of three years initiated at the time the petitioner was a minor, but still the respondents had rejected the claim for the appointment on compassionate ground. Thereafter, after attaining the age of 18 years, another application had been made within a period of three years. The learned counsel



argued that it should be considered as continuity of the earlier application.

However that application was also rejected by the respondents.

WEB COPY

4.The learned counsel for the respondents placed reliance on the judgment of the Hon'ble Supreme Court reported in 2024 SCC online SC 3292 in *Tinku Vs. State of Haryana and Others*, wherein, it is stated as follows:

11. The very idea of equality enshrined in Article 14 is a concept clothed in positivity based on law. It can be invoked to enforce a claim having sanctity of law. No direction can, therefore, be issued mandating the State to perpetuate any illegality or irregularity committed in favour of a person, an individual, or even a group of individuals which is contrary to the policy or instructions applicable. Similarly, passing of an illegal order wrongfully conferring some right or claim on someone does not entitle a similar claim to be put forth before a court nor would court be bound to accept such plea. The court will not compel the authority to repeat that illegality over again. If such claims are entertained and directions



WEB COPY

WP No. 4991 of 20



issued, that would not only be against the tenets of the justice but would negate its ethos resulting in the law being a causality culminating in anarchy and lawlessness. The Court cannot ignore the law, nor can it overlook the same to confer a right or a claim that does not have legal sanction. Equity cannot be extended, and that too negative to confer a benefit or advantage without legal basis or justification.

12. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help a family out of a sudden pecuniary financial destitution to help it get out of the emerging urgent situation where the sole bread earner has expired, leaving them helpless and maybe penniless. Compassionate appointment is,



WEB COPY

WP No. 4991 of 20



therefore, provided to bail out a family of the deceased employee facing extreme financial difficulty and but for the employment, the family will not be able to meet the crisis. This shall in any case be subject to the claimant fulfilling the requirements as laid down in the policy, instructions, or rules for such a compassionate appointment.

5. It is thus seen that the Hon'ble Supreme Court had placed a word of caution before any Court were to issue orders granting compassionate appointment. It had also been stated that if there are no rules granting compassionate appointment, the Courts cannot grant any appointment on compassionate grounds. But however, the respondent have rules in place. They have a policy to employ on compassionate grounds, the wards of their employees, who dies while in service. A Division Bench of this Court had examined a similar issue, in *W.P.No.1444 of 2024, dated 03.07.2024*, wherein, the Division Bench of this Court had held as follows:

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

2.1. The respondent's husband who was



WEB COPY

WP No. 4991 of 20



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.



WEB COPY

WP No. 4991 of 20



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, 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*



WEB COPY



*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 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



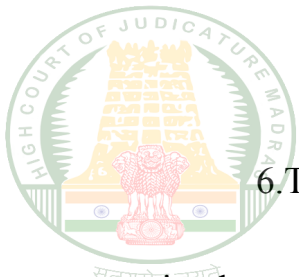
WEB COPY



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 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.*



WEB COPY

6. The facts and the judgment is extracted in entirety. The ratio laid down is clear. The petitioner had applied within the stipulated time. The indigent certificate had been enclosed. Therefore, I hold that the order of the Division Bench directly applies to the facts of this case. The respondents are directed to provide employment to the petitioner after examining the educational qualification and other necessary documents within a period of three months from the date of receipt of a copy of this order.

7. The writ petition stands allowed. No Costs. Consequently, connected miscellaneous petitions, if any, are also closed.

25-03-2025

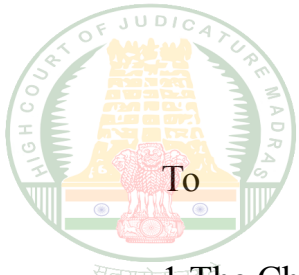
sli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Chairman Cum Managing
Director

Tamilnadu Generation And Distribution
Corporation Ltd., No.144 Anna Salai
Chennai 600002

2. The Chief Engineer / Personnel
Tamilnadu Generation And Distribution
Corporation Ltd., No.144 Anna Salai
Chennai 600002.

3. The Additional Chief Engineer
Tamilnadu Generation And Distribution
Corporation Ltd., Dharmapuri
Electricity Distribution Circle,
Dharmapuri.

4. The Superintending Officer
Tamilnadu Generation And Distribution
Corporation Ltd., Dharmapuri
Electricity Distribution Circle,
Dharmapuri - 6.



WEB COPY

WP No. 4991 of 20



C.V.KARTHIKEYAN J.
sli

WP No. 4991 of 2025

25-03-2025