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WP No. 6798 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 6798 of 2025

P.Venkatesan

Petitioner

Vs.

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 Superintending Engineer
Tamil Nadu 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 letter no. 436/ Me.Po/ Tharu/ Ni. Pi.2/ U.1/ Ko.va.Ve/ 2016, dated 31.08.2016 and the consequential impugned orders passed by the 3rd Respondent in



Letter No.195/ 55/ Ni. Pi.1/ U.2/ Ko. Va.Ve/ 2022, dated 24.02.2022, and letter No. 607/478/ Ni.Pi. 1/ U.2/ Ko.Va.Ve/ 2012, dated 20.07.2022 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner on compassionate grounds.

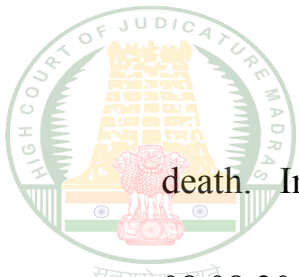
For Petitioner S.N. Ravichandran

For Respondents Mr.C.Manoharan

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking the records relating to an order dated 31.08.2016 and a consequential order passed by the third respondent dated 24.02.2022 & 20.07.2022 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.L.Palani was working as Line Inspector in the office of the Assistant Engineer/O & M/Rural, Karimangalam, Dharmapuri Electricity Distribution Circle, Dharmapuri. He died due to illness on 01.08.2013. The petitioner was a minor aged about 13 years at the time of



death. Immediately, thereafter the mother had given an application on

08.08.2014 seeking compassionate appointment for the petitioner. Since there

was no response for the same, the mother of the petitioner had given further

representations on 09.11.2015 and 29.03.2016. The third respondent by a letter

dated 31.08.2016 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 15.07.2019 as a continuity of the

earlier representations. 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

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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.

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



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again. If such claims are entertained and directions 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



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maybe penniless. Compassionate appointment is, 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.



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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*



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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, 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.*



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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 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



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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 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.

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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 an 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

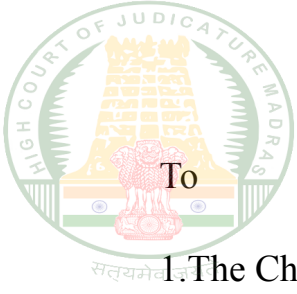
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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