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W.P No.20467 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Petition No.20467 of 2025

and

Writ Miscellaneous Petition No.23097 of 2025

E.Nithishkannan

... Petitioner

..Vs..

1.The Chairman,
The Tamil Nadu Generation and Distribution Corporation
TANGEDCO, Anna Salai, Chennai – 2.

2.The Chief Engineer Personnel,
TANGEDCO, Anna Salai, Chennai – 2.

3.The Superintending Engineer,
TANGEDCO, TEDS/Namakkal,
104, SH 94, Thillaipuram,
Namakkal 637 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records in Letter Ka.No.010535/396/Ni.Pi.2/Udhavi.2/Ko.Va.Ve/2022 dated 05.12.2022, on the file of the 3rd respondent herein and Ka.No.001889/75/Ni.Pi.2/Ko.Va.Ve/2023, dated 20.02.2023 on the file of the 3rd respondent and quash the same consequently, direct the respondent Board direct consider petitioner's representation dated 15.11.2022 and provide job assistance on compassionate ground within the time limit fixed by this Court.



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For Petitioners : Mr.B.Manoharan

For Respondents : Mr.K.Purushothaman
Standing Counsel

ORDER

The instant writ petition has been filed challenging the Letter Ka.No.010535/396/Ni.Pi.2/Udhavi.2/Ko.Va.Ve/2022 dated 05.12.2022 and Ka.No.001889/75/Ni.Pi.2/Ko.Va.Ve/2023, dated 20.02.2023.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner's father died on 06.08.2008 and at the time of his death, the petitioner was aged about 6 years and attained majority only on 02.09.2011 and thereafter, he has given an application for appointment on compassionate ground on 15.11.2022.

3. It is the specific submission of the learned counsel for the petitioner that by virtue of the Division Bench Judgment of this Court in W.A.No.669/2022, dated 29.04.2022, the relevant guidelines to be considered for compassionate appointment is date of death of the employee. Whereas, in the case on hand, the respondents have relied upon the guidelines in (Per) FB



TANGEDCO Proceedings No.11, dated 11.06.2020, which is in contravention to the Division Bench Judgment. Hence, learned counsel prayed to interfere with the impugned orders.

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4. Per contra, the learned Standing Counsel appearing on behalf of the respondents would vehemently contend that as per B.P.No.46, the guideline provided for seeking compassionate appointment is that application to be filed within three years from the date of death of the employee. In the case on hand, the petitioner attained the age of majority only after the period of thirteen years and had given application for compassionate appointment after completion of 14 years. Therefore, even as per B.P.No.46, the petitioner's claim will not come within the guidelines provided under the respondents.

5. Now the point to be considered is whether the impugned orders are in accordance with B.P.No.46 or not?

6. The main contention put forth by the learned counsel for the petitioner is that the relevant guideline to be taken into consideration for granting compassionate appointment is date of death of the employee. In this



connection, the learned counsel relied upon para 12 of the Judgment dated 29.04.2022 in W.A.No.669/2022, which is extracted hereunder:

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*“12.Even in this case the appellant's mother filed the application even before BP (FB) No.46 dated 18.10.195, therefore the appellants application ought to have been considered. One other aspect is that if the scheme prevailing on the date of death of the employee is to be taken, then there was no limitation provided at the relevant time. The Hon'ble Supreme Court in its Judgment in **State of Madhya Pradesh Vs. Ashsish Awasthi** reported in 2022 (2) SCC 157 and **Secretary to Government, Department of Education (Primary) Vs. Bheemappa** reported in 2021 SCC Online 1264 has held that the policy prevalent at the time of death of the deceased only to be considered and not subsequent policy, viewed from this angle also the first impugned order dated 18.03.2001 cannot be sustained.”*

7. As per the above Division Bench Judgment, it is apparently clear that the date of death of the employee is the relevant date for considering compassionate appointment for the applicant. While looking in the impugned order, dated 05.12.2022, the third respondent had relied on 11.06.2020 guideline. However, either side have not submitted 11.06.2020 guidelines. But



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this Court has got inference from para 12 of the Division Bench Judgment where B.P.No.46 has come into effect on 18.10.1995. As per the above referred to proceedings, three years time had provided for applying for compassionate ground.

8. In the case on hand, though the impugned order refers BP proceedings dated 11.06.2020 and as per which, even if the petitioner would have applied for the appointment on compassionate ground, even the old BP guidelines which came into effect since 18.10.1995 refers to three years for applying under the compassionate ground. As held in the Division Bench Judgment, the relevant date for consideration of the application on the ground of compassionate appointment, is the date of death of the employee. But both Board proceedings refers three years for appointment for compassionate ground.

9. It is to be stated herein that the counsel for petitioner has not produced the relevant guidelines before this court. It is settled principle of law that the compassionate ground appointment is exception to the proceedings followed in public employment therefore, such an appointment is to be



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considered with strict application of the guidelines prevailing at the relevant point of time. Here admittedly according to 1995 guideline, the application has to be submitted within three (3) years from the date of death of employee. Here the application has been submitted after 14 years. In such view of the matter, this Court do not find any merits in the writ petition and the same is liable to be dismissed.

10. In the result, the Writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition stands closed.

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Index : Yes

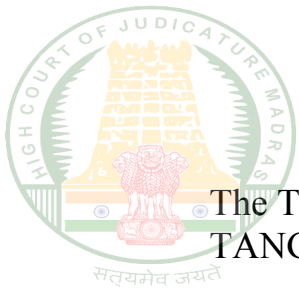
Speaking Order : Yes/No

Neutral Citation Case: Yes/No

To:

1.The Chairman,

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The Tamil Nadu Generation and Distribution Corporation
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C. KUMARAPPAN, J.

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