



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 18037 of 2025

and

WMP No.20225 of 2025

R.Rajeshvarma

Petitioner(s)

Vs

1.The Chairman

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

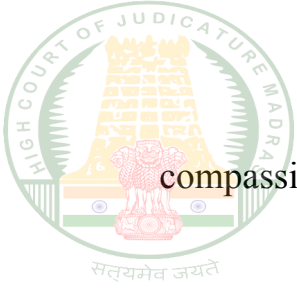
2.The Chief Engineer Personnel
TANGEDCO, Anna Salai, Chennai 2.

3.The Superintending Engineer
TEDC, TANGEDCO,
Thiruvannamalai District.

Respondent(s)

PRAYER

Call for the records in Letter No.005171/SE/T. Malai/ADM/U.4/Koo/Va Vaa/ 2022 dated 23.08.2022 by the 3rd respondent and quash the same consequently for a direction to direct the respondent board to provide the job assistance on



compassionate ground.

For Petitioner(s): Ms.S.Jacqueline Sharon

For Respondent(s): Mr.C.Manoharan,
Standing Counsel for (TANGEDCO)

ORDER

The instant writ petition has been filed challenging the impugned order dated 23.08.2022 passed by the 3rd respondent, rejecting the petitioner's request for compassionate appointment since the petitioner attained majority beyond the three-year period from the date of the employee's death.

2. The petitioner states that his father was working as a Driver in the respondent Electricity Board and he died on 30.05.2014, while he was in service. The petitioner states that on account of the sudden death of his father, the family was in indigent circumstances and the mother of the petitioner submitted an application to the respondent, seeking compassionate appointment for her son on 18.03.2016. The said application was initially rejected on 18.04.2016, as the petitioner was a minor. After attaining majority, the petitioner



reapplied in the year 2018, which was rejected on the grounds that he was not eligible either at the time of his father's death or within three years thereafter.

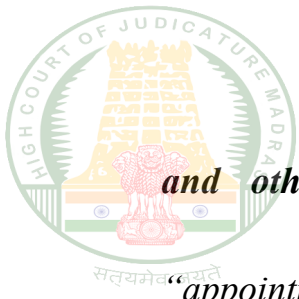
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Aggrieved by the rejection order, the petitioner instituted the present writ petition.

3. The main ground urged by the respondents is that the case of the petitioner does not fit within the guidelines enumerated in G.O.Ms.No.18 (L & E) Department dated 23.01.2020. Furthermore, the petitioner could not bring any material to show that the rejection was in violation of the guidelines.

4. It is the settled principle of law that the compassionate appointment is an exception to the public employment. In view of the same, it is mandatory upon the petitioner to fit within the guidelines provided for the compassionate appointment.

5. The Hon'ble Supreme Court of India in the case of *State of Haryana*



and others Vs. Rani Devi and another¹, made an observation that

“appointments on compassionate ground cannot be made after lapse of reasonable period which must be specified in the rules, because the right to such employment is not a vested right which can be exercised at anytime in future.”

6. The Hon'ble Apex Court in another case of *Sanjaykumar vs. State of Bihar and others²*, observed that *“There cannot be reservation of a vacancy till such time as the petitioner becomes a major after a number of years.”*

7. Scheme of compassionate appointment is an exception and cannot be claimed as a matter of right. It is a special scheme, which is to be implemented strictly in accordance to its terms and conditions. Compassionate appointment cannot be granted after a significant lapse of time from the death of the employee, as the passage of time can indicate that the family's circumstances may have changed. The purpose of the scheme is to mitigate the immediate

1. (1996) 5 SCC 308

2. AIR 2000 SC 2782



hardship caused by the sudden death of a Government employee. Allowing appointments after a long period would undermine the scheme's objective and potentially infringe on the rights of others seeking public employment through open competition. Therefore, the scheme must be implemented strictly in accordance with its terms to ensure fairness and adherence to the constitutional provisions.

8. A compassionate appointment scheme is a non-statutory concession that cannot be claimed as a matter of right and enforced through a writ proceeding. Compassionate appointment is justified when granted to provide immediate relief to the family of a deceased employee. The mere death of a Government employee does not automatically entitle the family to claim compassionate employment. The competent authority must assess the family's financial condition and offer employment to an eligible family member only if it determines that without such assistance, the family would struggle to cope with the crisis.



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9. In view of the above discussions and the legal precedents set by the Hon'ble Supreme Court of India, this Court is of the opinion that compassionate appointment should be strictly confined to the terms and conditions of the scheme. The Courts cannot extend its scope to provide compassionate appointments beyond the scheme's framework. Additionally, delay is a crucial factor, and compassionate appointments cannot be granted after a reasonable period has elapsed.

10. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

05-06-2025

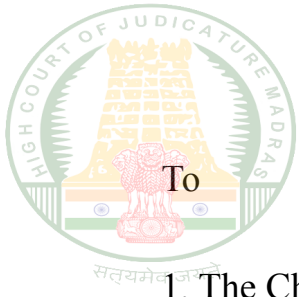
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Jeni



To

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