



W.P. No. 2 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

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

W.P. No. 2 of 2024

K.Jayaraj

... Petitioner

-VS-

1. The Chief Engineer
TANGEDCO
No.144, Anna Salai
Chennai-600002.
2. The Superintending Engineer
TANGEDCO
Chengalpattu Electricity Distribution Circle
Chengalpattu.
3. The Executive Engineer
TANGEDCO
Operation, Nokia 230 KVSS
Sriperumpudur – 602105
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order in Letter No.021012/138/G27/G272/2020 dated 14.09.2023 passed by the first respondent, to quash the same and to issue consequential direction to the first respondent to give appointment to the petitioner on compassionate grounds in any post in the TANGEDCO



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commensurate with his educational qualification consequent on the Medical Invalidation of the petitioner's father Thiru.K.Karthikeyan with effect from 09.05.2013 while working as Line Inspector in Chengalpattu E.D. Circle within a limited time frame.

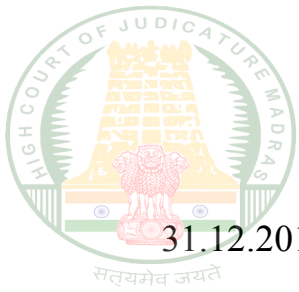
For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.David Sunder Singh
Standing Counsel

ORDER

This writ petition has been filed in the nature of certiorarified mandamus seeking records relating to an order in Letter No.021012/138/G27/G272/2020 dated 14.09.2023 passed by the first respondent and quash the same and issue a direction to the first respondent to give appointment to the petitioner on compassionate ground in any post in TANGEDCO commensurate with his educational qualification.

2. The father of the petitioner, K.Karthikeyan, was medically invalidated with effect from 09.05.2013 while working as Line Inspector in Chengalpattu D Circle. This order declaring the father of the petitioner as medically invalid to continue to discharge any further duty was passed by the respondents on



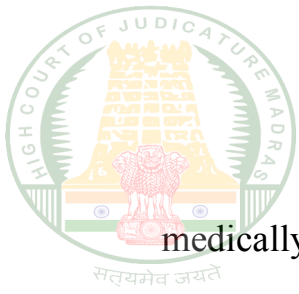
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31.12.2016 with effect from 09.05.2013.

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3. It had been observed that the Medical Board had stated that the father of the petitioner was unfit for any kind of work in TANGEDCO. The relieving report was however issued much later on 24.01.2017 and again with effect from 09.05.2013. The petitioner can therefore claim to be appointed under compassionate grounds only either after 31.12.2016 or after 24.01.2017. He must file this application within a period of three years. The petitioner gave an application within the said period of three years on 31.11.2017. It is thus seen that the petitioner had given this application stating that his father was declared as medically invalid and not fit to discharge any work and therefore, the petitioner should be considered him has to be appointed on compassionate grounds.

4. In the counter affidavit, it had been stated that the petitioner should have submitted the application for compassionate ground within the period of three years from the date of medical invalidation of his father, viz., 09.05.2013, but what has been missed out in the counter-affidavit is that the respondents had passed orders declaring that the father of the petitioner was declared as



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medically invalid as on from 09.05.2013 only on 31.12.2016 and subsequently,

had passed an order relieving him from service only on 24.01.2017. Therefore, this stand taken by the respondents does not withstand the scrutiny of the Court and has to be rejected.

5. The second point taken by the respondents is that the father of the petitioner was aged about 54 years and 5 months and 6 days as on the date of the Medical Officer Certificate's dated 07.12.2016. It had been contended that as per the Board Regulations, the employees of TANGEDCO should have been medically invalidated within 53 years of age, but again this aspect has to be rejected, since even in the order of the respondents dated 31.12.2016, they had relieved the father of the petitioner from duty on 09.05.2013. Therefore, the age of the father should have been taken into consideration only on and from 09.05.2013. On that particular date, by any mathematical calculation he must be less than 53 years, since, on 09.12.2016 he was 54 years 5 months and 6 days. Both the reasons stated in the counter affidavit and therefore rejected.

6. The learned counsel for the petitioner placed reliance on the judgment of the Division Bench of this Court in W.P. (MD) No. 3909 of 2016 dated



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25.02.2016, R.Venkadesh -vs- The Registrar General, Madras High Court and

two others, wherein the Division Bench of this Court had held as follows:-

“8. Assailing the correctness of the above said proceedings dated 16.11.2015, of the learned Principal District Judge, Tirunelveli, and the consequent proceedings of the learned Chief Judicial Magistrate, Tirunelveli, dated 02.12.2015, Mr.A.Sivaji, learned counsel for the petitioner submitted that request to provide employment assistance has been made on 02.12.2013, by the father of the writ petitioner before attaining the age of 53 years, as per the Rules of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the delay of 78 days, caused due to exchange of correspondence, between respondents 2 and 3, ought not to have put against the petitioner. It is also his contention that employment assistance on compassionate grounds, ought to have been considered, in a pragmatic manner, than to deny the same, when delay is attributable, in conducting medical examination by the Regional Medical Board, Tirunelveli Medical College Hospital, Tirunelveli, and exchange of correspondences



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between respondents 2 and 3.

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9. *Per contra, Mr.T.S.Mohamed Mohideen, learned Special Government Pleader appearing for the respondents, submitted that when the application of the father of the writ petitioner, dated 02.12.2013, was considered and when he was actually permitted to retire on medical invalidation on 30.04.2014 (A.N) by the learned Chief Judicial Magistrate, Tirunelveli, his age was 53 years and 15 days, and as per the Rules of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the candidature of the writ petitioner has been rightly rejected. He prayed to sustain the proceedings of the respondents 2 and 3.”*

A similar issue had been raised and it had been held that a crucial date would be the date on which the father of the petitioner had been declared to be medically invalid, which was on and with effect from 09.05.2013 in this case. Therefore, the same principle has also been held by the Division Bench of this Court.

7. This writ petition stands allowed. A direction is issued to the respondents



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to grant an employment commensurate with the educational qualification of the

petitioner herein on compassionate grounds within a period of four(4) weeks

from the date of receipt of a copy of this order. No costs.

24.03.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

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C.V.KARTHIKEYAN, J.

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