

W.P.(MD)No.2102 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.06.2025

PRONOUNCED ON : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.2102 of 2025

Princy Udhaya

... Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu,
Electricity Department,
Chennai.

2.The Chairman,
Tamil Nadu Electricity Board /TANGEDCO,
Anna Salai,
Chennai.

3.The Superintending Engineer,
Tamil Nadu Electricity Board/TANGEDCO,
Mettur Distribution Circle,
Mettur Dam-1,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent herein in his proceedings in Ka.No.006999/417/Ni.Pi.1/U.3/Ko.Va.Ve/Karu.No.02/2023 dated 28.07.2023 and a consequential proceedings in Ka.No.008343/474/Ni.Pi.1/U.



W.P.(MD)No.2102 of 2025

3/Ko.Va.Ve/Karu.No.02/2023, dated 29.08.2023 and Ka.No. 481/Ni.Pi.1/U.3/Ko.Mu.Tha.Pi/2023 dated 31.08.2023 and quash the same as illegal and consequently direct the respondents to provide employment to the petitioner on compassionate grounds forthwith.

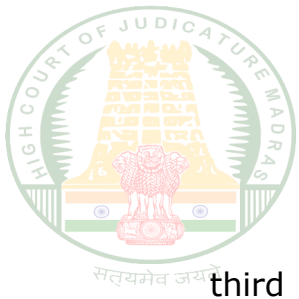
For Petitioner : Mr. V.Meenakshi Sundaram
For Respondent-1 : Mr.S.R.A.Ramachandran, AGP
For Respondent : Mr.S.Arivalagan
Nos.2 & 3 Standing Counsel

ORDER

This Writ Petition has been filed challenging the orders dated 28.07.2023, 29.08.2023 and 31.08.2023, whereby the petitioner's application for appointment on compassionate ground was rejected and for a consequential direction to the respondents to grant compassionate appointment to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader & learned Standing Counsel, appearing on behalf of the respondents 1 and 2 & 3 respectively.

3. The learned counsel for the petitioner submitted that the petitioner seeks appointment on compassionate ground, as her father, who was employed as a Junior Engineer-II Grade/Elecl. in the

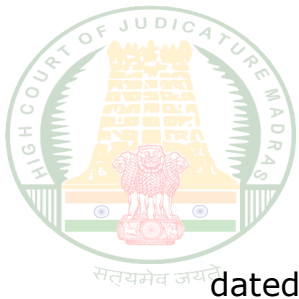


W.P.(MD)No.2102 of 2025

WEB COPY

third respondent circle, died in harness on 15.03.2020 due to ill-health. He further contended that the petitioner taking into account the financial crisis of the family, made an application for compassionate appointment on 17.07.2023 on attaining majority on 16.07.2023 as her brother is a minor and on receiving the consent of 'no objection' from her mother. In spite of the same, the third respondent without considering the financial crisis on the loss of the breadwinner of the family, allegedly rejected her application on the ground that it was not submitted within the stipulated period of three years from the date of her father's demise and the petitioner has not attained the age of 18 years as the prescribed time limit of submission of the application was on 14.03.2023. Aggrieved by the orders of rejection, the petitioner has approached this Court by filing the present Writ Petition.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that the petitioner has not submitted the application for compassionate appointment within the stipulated period of three years from the date of her father's demise and she has also not attained the age of 18 years at the date of submission of the said application. He further submitted that as per the orders issued under the Scheme in (Per) TANGEDCO Pro. No.11 (Adm.Br)



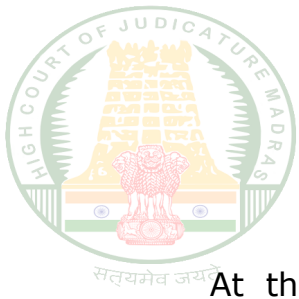
W.P.(MD)No.2102 of 2025

WEB COPY

dated 11.06.2020, a person will be eligible for appointment on compassionate ground only at the time of application, the candidate should have completed 18 years age and the application should be made within the period of three years from the date of death of the employee. Moreover, in the present case on hand, the petitioner has not fulfilled any of the conditions, with reference to completion of minimum age as on the date of submission of application.

5. This Court had considered the submissions made by the respective counsels on either side and also perused the materials available on record.

6. On a bare reading of the case reveals that the petitioner has submitted her application for compassionate ground on attaining majority on 17.07.2023 which has been rejected by the third respondent on the ground that the petitioner is not entitled to seek the relief of appointment on compassionate ground since the petitioner has not submitted the application within the prescribed period of limitation and was also not attained majority on the date of submission of the application as per the orders issued under the Scheme in (Per) TANGEDCO Pro.No.11 (Adm.Br) dated 11.06.2020.



W.P.(MD)No.2102 of 2025

WEB COPY

At this stage, it is relevant for this Court to cite the decisions supporting that a minor can seek compassionate appointment after attaining majority and the following judgments are as follows:

(i) Rajesh Nath Vs. The State of Assam and 8 others in WP(C)/3290/2020. *The relevant portion of the order is extracted hereunder:*

"13. But in the instant case, the father of the petitioner died on 27.07.2009 at which point of time, the petitioner was 16 years few months and therefore was short of being a major by about one year and few months. Further, immediately upon attaining majority, the petitioner had submitted the application for compassionate appointment on 28.10.2011. The factual narration in the instant case also satisfies the requirement that the application of the petitioner was made as expeditiously as possible as the circumstance warranted and in the given circumstance, no further delay is noticed in making the application although technically speaking, it may not have been made within the period of one year as prescribed for such application.



WEB COPY



W.P.(MD)No.2102 of 2025

(ii)R.Sridevi Vs. The Secretary to Government and 2 others, in W.P.No.9528 of 2008. The relevant portion of order is extracted hereunder:

"10.In the case of **G.Vijayaraghavan vs. General Manager (P) Indian Bank (2000 (3) LLN 625)**, this Court has directed the Indian Bank to consider the claim of the petitioner therein, who made an application on attaining majority for employment on compassionate ground. The principle laid down in the said decision is that irrespective of settlement of full term service, gratuity and other benefits, the eligible person can claim appointment on compassionate grounds. Further, in the case of **Balbir Kaur vs. Steel Authority of India Ltd., (2000 (6) SCC 493)**, the legal proposition is that in the case of appointment, considering the social and economic justice as enshrined in the Constitution, denial of deserving cases are liable to be set aside. It is further observed therein that the purpose of providing compassionate ground appointment to a son or daughter or a near relative of the deceased government servant is to render assistance to the family, which is found in indigent circumstances. The



WEB COPY



W.P.(MD)No.2102 of 2025

Supreme Court, in the case of **Syed Khadim Hussain vs. State of Bihar and others ((2006) 9 SCC 195)**, holding that in the rules framed by the State, there is no specific provision as to what should be done in case the dependants are minors and there would be any relaxation of age in case they did not attain majority within the prescribed period for submitting application, allowed the case of the petitioner for compassionate appointment.

11. In a similar circumstance, in the case of **M.Uma vs. Chief Engineer (Personnel), TNEB, Chennai, (2010) 7 MLJ 644**, wherein the petitioner's application was rejected on the ground that she has not submitted the same within three years, this court, taking into account the indigent circumstances of the family directed the respondents therein to consider the claim of the petitioner seeking compassionate appointment without reference to the objection raised in the impugned order. Also are cases in **Mohanambal vs. The Director, Land & Survey Department and R.Prasath vs. The Secretary, Labour and Employment Department and others**, wherein, this court has held that the application for appointment on compassionate grounds is not to be rejected on



WEB COPY



W.P.(MD)No.2102 of 2025

the ground that it was filled after a lapse of time and the application is to be considered on its own merits.”

7. Considering the facts and circumstances of the case and in the light of the orders of this Court as stated supra and also taking into account, the submissions of the learned counsel for the petitioner that the petitioner has submitted the application on attainment of majority on 17.07.2023 on the next date of attaining majority and it is to be noted that the prescribed period of limitation is on 15.03.2023, which is not a longer period and further, considering the social and economic status of the family of the deceased, her claim for compassionate appointment deserves to be reconsidered. In view of the aforesaid reasons, the impugned orders passed by the third respondent dated 28.07.2023, 29.08.2023 and 31.08.2023 are set aside and the matter is remanded back to the third respondent for a fresh consideration of the petitioner's application for compassionate appointment, on its own merits and in accordance with law. The third respondent shall pass appropriate orders in the light of the orders passed by this Court as stated supra, after affording an opportunity of personal



W.P.(MD)No.2102 of 2025

WEB COPY

hearing and by taking into account all relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of with the above directions. There shall be no order as to costs.

06.06.2025

Index : Yes / No

Internet: Yes / No

DP

To

- 1.The Secretary to the Government of Tamil Nadu,
Electricity Department,
Chennai.
- 2.The Chairman,
Tamil Nadu Electricity Board /TANGEDCO,
Anna Salai,
Chennai.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board/TANGEDCO,
Mettur Distribution Circle,
Mettur Dam-1,
Salem District.



WEB COPY



W.P.(MD)No.2102 of 2025

VIVEK KUMAR SINGH, J.

DP

**ORDER MADE IN
W.P.(MD) No.2102 of 2025**

06.06.2025