



W.A(MD) No.1471 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.01.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD) No.1471 of 2022

R.Prabakaran

... Appellants / Writ Petitioner

Vs

**1.The Chief Engineer (Employment)
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
N.P.K.R.R.Maalgai 8th Street,
800, Anna Salai,
Chennai-600 002.**

**2.The Superintending Engineer,
Trichy Electricity Distribution Circle,
Metro, Trichy-20.**

**3.The Executive Engineer,
Office & Maintenance,
Tamil Nadu Electricity Board,
Manapparai Division,
Trichy District.**

... Respondents / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 27.04.2022 made in W.P.(MD)No. 10592 of 2019 on the file of this Court and allow the writ appeal.

For Appellants : Mr.Abhinav Parthasarathy,
for Mr.K.Kavinkaran

For Respondents : Mr.B.Ramanathan

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The father of the writ petitioner Thiru.Ramasamy was employed as wireman in TANGEDCO. He died while in service on 04.04.2015. The petitioner was then aged about 21 years. By then, he had completed diploma in electrical engineering and was eligible to be appointed in a commensurate post in TANGEDCO. An application was submitted in September 2015 seeking appointment on compassionate ground. Citing the proceedings No.330, dated 2.11.1993 on the ground that the appellant's mother was an Anganwadi worker, the petitioner's request was rejected vide proceedings dated 29.09.2018. Challenging the same, the appellant filed W.P.(MD)No.10592 of 2019. The writ petition was



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dismissed vide order dated 27.04.2022. Challenging the same, this intra-court appeal has been filed.

2.After hearing the learned counsel on either side, we are more than satisfied that the orders impugned in this writ appeal will have to be set aside and the writ appeal allowed. This is for more reason than one. The petitioner's mother Chandra was employed only as an part time employee in Thoppanaickenpatti Anganwadi Centre. The proceedings No.330 dated 02.11.1993 is as follows:-

“(ii) It is considered that if a member of the family is already in employment and supports the family then the restriction that if there is already any earning member in the family of the Government servant who died in harness, the other dependants of the deceased Government servant will not be eligible for compassionate appointment may be applied. When a dependant of the family is employed, the factors to be ascertained are, whether he is regularly employed and is actually supporting the family. If that person was employed even before the death of the Government servant and was living separately without extending any help to the family, then the case of other eligible dependant will be considered.”

What is envisaged by the aforesaid proceedings is that the regular employment of a family member will come in the way of seeking appointment on compassionate ground. In this case, the appellant's



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mother was not regularly employed. She was only working as part time employee. What clinches the issue is G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020. Clause iii (vi) is as follows:-

***Legal Heirs / Near Relatives of the deceased Government Servant /
Person who are eligible for compassionate ground appointment.***

(vi) If any member of the deceased Government Servant's family is working on temporary / part time basis such as non-meal organizer and helpers and those who work on daily wages, the other dependents of the family may be considered for providing appointment.

This GO was specifically considered by the Hon'ble Division Bench in W.A.No.599 of 2022. On 28.03.2022, it was held therein as follows:-

“part-time employment cannot be interpreted that a person is employed on a permanent basis and that the employment on part-time basis cannot come in the way of seeking appointment on compassionate ground.”

3.It is relevant to note that TANGEDCO was a party to the said writ appeal. We went through the order passed by the learned single Judge. The learned single Judge had only extracted a number of



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decisions of the Hon'ble Supreme Court relating to the compassionate appointment. The facts have not been specifically dealt with at all. We are therefore satisfied that the order of the learned single Judge will have to be set aside.

4. In this case, the application for appointment on compassionate ground was submitted within time. The applicant was also qualified to hold the commensurate post. Therefore, the appellant's request could not have been rejected. We are satisfied that the rejection order passed by the second respondent herein is bad in law. In this view of the matter, the impugned orders are set aside. The writ appeal is allowed as prayed for. The respondents are directed to appoint the appellant in an appropriate post commensurate with his qualification within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Appeal is allowed. No costs.

(G.R.S., J.) (S.S.Y., J.)
03.01.2025

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