



W.P(MD) No.6271 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.6271 of 2026

and

W.M.P(MD)No.5244 of 2026

S.Shahana

... Petitioner

Vs.

**1.Tamilnadu Generation and Distribution Corporation Limited
(TANGEDCO),
Rep. by its Chairman / Managing Director,
NPKRR Maaligai (TNEB Office),
No.144, Anna Salai,
Chennai – 600 002.**

**2.The Chief Engineer / Personnel Eastern Wing,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.**

**3.The Superintending Engineer
Dindigul Electricity Distribution Circle (TANGEDCO),
Meenathchinayakkanpatti,
Dindigul.**

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 3rd respondent in his proceedings Ka.No.011577/177/நி.பி.2/இநிஉ.1/கோ.வா.வே//2022 dated 28.07.2022 and calling for the records relating to the order passed by the 3rd respondent in his proceedings No.019562/309/நி.பி.2/இநிஉ.1/கோ.வா.வே/2023 dated 10.11.2023 and quash the same and consequently to direct the respondents to appoint the petitioner on compassionate ground to any of the post commensurate with the petitioners qualification within the period that may be stipulated by this Court.

For Petitioner : Ms.H.Jasima Yasmin
for M/s.Ajmal Associates
For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

Heard Ms.H.Jasima Yasmin, learned Counsel for M/s.Ajmal



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Associates for petitioner and Mr.B.Ramanathan learned Standing Counsel for respondent Board.

2. The mother of the petitioner was employed as Technical Assistant in the respondent Board and while working as such at Palani, she passed away on 27.01.2018 due to health reasons. Thereafter, the petitioner sought for compassionate appointment by submitting her application on 04.08.2020. However, the said application was not considered positively by the 3rd respondent on the ground that the terminal benefits of her deceased mother are not yet settled and required the petitioner to submit an application for compassionate appointment, only after approval of the terminal benefits. The terminal benefit of the deceased mother of the petitioner was finally settled through proceedings bearing No.004522/107/நி.பி.2/உதவி.3/கோ.கோ.இநிப/22 dated 18.03.2022. Thereafter, the petitioner made an application seeking compassionate appointment by submitting her application dated 21.06.2022. However, the said request of the petitioner was rejected by the 3rd respondent on the ground that the petitioner has not submitted application for



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compassionate appointment within three years from the date of demise of her mother and also on the ground that the minimum age of the petitioner at the time of submitting the application should be 18 years. Notwithstanding the said rejection order dated 28.07.2022, the petitioner submitted yet another application on 25.10.2023 and the same was also rejected by the 3rd respondent through proceedings bearing No.019562/309/நி.பி.2/இநிஉ.1/கோ.வா.வே/2023 dated 10.11.2023. Aggrieved by the said proceedings dated 28.07.2022 and 10.11.2023, the petitioner filed the present writ petition.

3. The respondent No.3 filed counter affidavit reiterating the twin grounds that are stated in the impugned proceedings for denying the compassionate appointment of the petitioner.

4. The learned counsel for the petitioner contended that the petitioner has approached the respondents by submitting appropriate application seeking compassionate appointment within a period of two years i.e., on 04.08.2020, but the same was not considered at the relevant



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point of time and the petitioner was required to submit her application after settling the terminal benefits of her deceased mother. Therefore, the petitioner submitted application after settlement of the terminal benefits and the same was rejected erroneously on the ground that the petitioner submitted the application belatedly.

5. Insofar as the minimum age of 18 years is concerned, the learned counsel for the petitioner has brought to the notice of this Court, the relevant provision governing the situation, wherein it is stated that there should be no minimum age limit for the applicant on the date of application for appointment. The relevant Regulation, viz., clause 6 reads as under :

“6. Age limit. (1) Notwithstanding anything contained in these regulations governing the post for which appointment on compassionate grounds is to be made, on the date of application for appointment,-

(a) the spouse of the deceased or medically invalidated employee or the parent of the deceased employee, must not have completed fifty years of age; and



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(b) the son, daughter, brother or sister of the deceased or medically invalidated employee must not have completed forty years of age.

(2) Notwithstanding anything contained in these regulations governing the post for which appointment on compassionate grounds is to be made, there shall be no minimum age limit for the applicant on the date of application for appointment

Provided that appointment shall not be provided unless the applicant completes eighteen years of age”

6. On the other hand, Mr.B.Ramanathan learned Standing Counsel submitted that it is only because of the reason that the petitioner has not completed the age of 18 years at the time of submitting application for compassionate appointment as well as on the date of demise of the her mother, the petitioner could not be given employment on compassionate appointment and also contended that the application submitted by the petitioner is belated.

7. This Court has carefully considered the submissions made on either side and also perused the entire material on record.



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8. In the counter affidavit nothing is stated with regard to the proceedings No.014235/765/நி.பி.2/உ.1/கோ.வா.வே/2020 dated 15.09.2020, in the entire counter affidavit in spite of taking a specific stand in the affidavit filed in support of the writ petition, to overcome the objection on the ground of belated application.

9. The fact that the petitioner has submitted her first application on 04.08.2020 i.e., well within 3 years from the date of demise of her mother i.e., on 27.01.2018 is not in dispute and the same is evident from the proceedings dated 15.09.2020 issued by the 3rd respondent herein. A copy of the said proceedings is placed in the typed set of papers at page No.47, while filing the writ petition. The specific averment is also made in the affidavit filed in support of the writ petition. Despite the same, there is nothing in the counter affidavit to contradict the same. Therefore, this Court has no option except to take the same as true and proceed to consider the case of the petitioner.



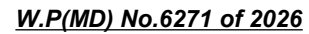
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10. In the light of the said proceedings, dated 15.09.2020 evidencing the submission of application by the petitioner as early as on 04.08.2020, one of the grounds for rejection of the case of the petitioner for compassionate appointment stating that the petitioner has not submitted application within 3 years from the date of demise of her mother cannot be sustained.

11. Then, coming to the other second ground, contending that the petitioner has not completed the age of 18 years within 3 years from the date of demise of her mother and therefore, the petitioner is not entitled for compassion appointment is concerned, the same is also not sustainable for the following reasons.

12. As seen from the Regulation 6 extracted above, there is nothing to say that the petitioner should complete 18 years of age within 3 years from the date of demise of her mother, so as to be eligible to seek compassionate appointment. On the other hand, the restriction is only contemplated on the proviso to Clause 2 of Regulation 6, which



13. On the other hand, under clause (2) there is clear mandate that, notwithstanding anything contained in the said Regulations governing the post for which appointment on compassionate ground is to be made, there shall be no minimum age limit for the applicant on the data application for appointment on compassionate ground. It is not in dispute that the above said Regulation is applicable to the case on hand. In the absence of any dispute about application of the above said Regulation, the stand of the respondents that the petitioner has not completed 18 years of age within 3 years from the date of demise of her mother also cannot stand to legal scrutiny.

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15. In the light of the above, both the impugned orders dated 28.07.2022, 10.11.2023 are hereby quashed. Consequently, respondent No.3 is directed to provide compassionate appointment to the petitioner, consequent to the demise of her mother as expeditiously as possible, at any rate, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

NCC : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

RM

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