



W.P.(MD)No.17985 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17985 of 2024

R.Saravanakumari

... Petitioner

vs.

1.The Chief Engineer (Personnel)
TANGEDCO, No.144, Anna Salai,
Chennai - 2.

2.The Chief Engineer (Distribution)
TANGEDCO, Tirunelveli Division,
Maharaja Nagar, Tirunelveli - 627 011.

3.The Superintending Engineer,
TANGEDCO, Virudhunagar Division,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Ka.No.1366/156/Ne.A/Ne.P. 2/Uthavi31/Ko.Varisu Vellai/2024 dated 19.03.2024 passed by the third respondent and quash the same as illegal and consequently direct the respondents to appoint the petitioner on compassionate grounds to any entry level post as per G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023.



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For Petitioner : Mr.R.Yamuna
For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

Heard Mr.R.Yamuna, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this petition seeking to quash the impugned order of the third respondent in Ka.No.1366/156/Ne.A/Ne.P. 2/Uthavi.1/Ko.Varisu Vellai/2024 dated 19.03.2024, which rejected her application for compassionate appointment filed in pursuant to the death of her father who worked as a Field Worker in the third respondent Office and died on 01.12.1999 while in service.

3. Ms.R.Yamuna, learned counsel appearing for the petitioner submitted that despite an application has been submitted on behalf of the petitioner within three years from the date of death of her father, the impugned order has been passed as though the application has been filed



beyond the period of three years.

4. The attention was drawn to the copy of the applications dated 06.03.2001 and 05.06.2002 in support of the petitioner's claim that applications have been submitted within a period of three years. But, the fact remains that the petitioner's mother had given an application seeking compassionate appointment for herself in the year 2003 and the same was rejected stating that the petitioner's mother did not have required qualification.

5. The petitioner's mother has stated that she had filed other applications even prior to the year 2003. If so, the petitioner's mother's earlier applications would have been considered instead of considering her application dated 20.02.2003. The copies furnished by the petitioner alleging that her mother had given applications in the years 2001 and 2002 seeking compassionate appointment for her are without any authenticity. In view of the earlier rejection order, it cannot be claimed that the application has been given within three years time. In fact, the



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petitioner was a minor during the years 2001 & 2002 when her mother was said to have given applications.

6. However, after attaining majority, the petitioner has given an application on 13.08.2013 and that has also been rejected. At the time when the petitioner's father died, he left his wife and three daughters as his legal heirs. The petitioner's mother was just aged 28 years old and her three daughter were minors. But for the reasons best known to the respondents, the application of the petitioner's mother has been simply rejected stating that the petitioner' mother did not have required educational qualification. However, the petitioner's mother had not chosen to challenge the above order. But, she had stated that she has been continuously giving applications seeking appointment for her daughter who is the petitioner herein. The petitioner has become a major and she has also given an application seeking compassionate appointment.

7. Since the applications have been rejected without taking into consideration of the indigent circumstances of the petitioner's family at



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the time when the petitioner's father died, the impugned order is liable to be set aside and the matter is remitted back to the third respondent to re-consider and pass orders without standing on the technicalities of the delay in filing the applications, but to consider the integrated circumstances and pass appropriate orders.

8. In view of the above observations, the writ petition is **disposed of** and the impugned order of the third respondent in Ka.No. 1366/156/Ne.A/Ne.P.2/Uthavi.1/Ko.Varisu Vellai/2024 dated 19.03.2024 is set aside. The third respondent is directed to re-consider the application of the petitioner dated 13.08.2013, based on integrated circumstances and without standing on technicalities and pass appropriate order within a period of four weeks from the date of receipt of a copy of this order. No costs

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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