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W.P.No.2032 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Reserved on : 16.06.2026

Pronounced on : .06.2026
CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR
W.P.No.2032 of 2019

G.Saravanakumar

... Petitioner

vs

1.Chief Engineer
Establishment,
Tamilnadu Generation and
Distribution Corporation Limited
144, Anna Salai,
Chennai 600 002.

2.Superintending Engineer,
Gobi Electricity Distribution Circle,
Gobichettipalayam 638452

... Respondents

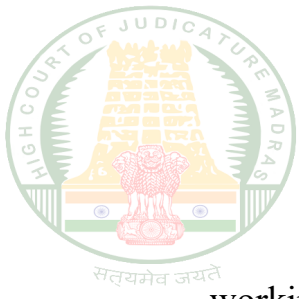
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent herein in his proceedings Ka.No.703/NiPi 2/JA/Ko.Va.Ve/18 dated 25.04.2018 and quash the same and consequently direct the respondents herein to appoint the petitioner on compassionate basis.

For Petitioner : Mr.R.Kishore Kumar
for M/s.G.Bala and Daisy

For Respondents : Mr.C.Ramkumar
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the materials available on record.



W.P.No.2032 of 2019

2. Briefly put the case of the petitioner is that his father while

working in the respondents Electricity Board had deceased on 27.11.1999

leaving behind his mother, the petitioner, two brothers and two sisters;

and that the petitioner's family is socially, economically backward.

3. It is the further case of the petitioner that the petitioner's mother approached the respondents and submitted application on 31.07.2002 seeking employment on compassionate ground, enclosing therewith the relevant certificates and documents; that the respondent thereafter within 10 days of submitting the application, rejected the said application submitted by his mother on 09.08.2002 on the ground that she did not study 8th std; and that the aforesaid rejection was passed without proper application of mind to the facts of the record.

4. The petitioner also contended that even the application made by the petitioner's elder brother was rejected by the respondent on the ground of lack of educational qualification and on the respondent rejecting the application submitted by his mother and elder brother, he had submitted an application for compassionate appointment along with the relevant documents; that the second respondent on receiving his application vide order dated 17.12.2012 directed the Assistant Executive Engineer, TANGEDCO to conduct enquiry and submit a report; that

Page 2 of 11



W.P.No.2032 of 2019

pursuant to the aforesaid direction, an enquiry was conducted on 04.02.2013, whereat, the Enquiry officer had found that the petitioner is eligible for compassionate appointment and recommended his name to the second respondent; that in spite of the aforesaid recommendation, no action was taken on the Report by the respondent and was not provided with compassionate appointment; that based on the Enquiry Report, he had once again submitted a representation to the respondent on 27.02.2015; and that the respondents, however, rejected the same by way of a non-speaking order on 23.05.2015.

5. The petitioner further contended that aggrieved by the aforesaid rejection of his representation by a non-speaking order, he had submitted another representation to the first respondent and sought for being provided with compassionate appointment; that the first respondent vide proceedings dated 21.12.2017 directed the second respondent to take appropriate steps on the petitioner's representation at the earliest; that the second respondent again on 25.04.2018 passed the impugned order in a routine manner without proper application of mind and without considering that the application submitted by his mother, elder brother and by him in the year 2012 were rejected without proper consideration.

Hence, this writ petition.



W.P.No.2032 of 2019

WEB COPY

6. Though the writ petition was pending on the file of this Court from the year 2019, no counter affidavit has been filed.

7. Learned counsel for the respondent however would submit that as per the Rules in force, an application for compassionate appointment is required to be submitted within three years, from the date of death of employee; that the petitioner having admitted to the fact of his father having expired on 27.11.1999 neither his mother, nor his elder brother nor himself submitted any application for being provided with compassionate appointment within a period of three years from the date of death of the employee; that the application was submitted by the petitioner's mother as well as petitioner's elder brother and the petitioner himself only after thirteen years after the death of the husband/father which cannot be considered.

8. On behalf of the respondents, it is further contended that the petitioner at the time of death of his father was a minor aged about 14 years and as per the relaxation provided by the respondent Corporation could have sought for being provided with employment on compassionate ground by submitting application in time i.e., within 3 years which could

Page 4 of 11



W.P.No.2032 of 2019

have been considered by the respondents on attaining the age of 18 years.

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9. On behalf of the respondents, it is contended that since, the petitioner, despite attaining the age of 18 years in the year 2003, remain silent for further period of nearly 10 years, cannot submit an application in the year 2012 seeking appointment on compassionate grounds, as compassionate appointment is provided to the family of the deceased employee to tide over the immediate crisis the family is faced on account of loss of the bread winner. It is also contended by the respondents, on the application submitted by the petitioner, being rejected earlier vide order dated 23.05.2015, the impugned order does not call for any interference as the same is mere reiteration.

10. Contending as above, the respondents seek for dismissal of the writ petition.

11. I have taken note of the respective contentions urged.

12. Though the petitioner claimed of he having submitted an application for being provided with compassionate appointment in the year 2012, admittedly, by the said time, more than 3 years had passed by

Page 5 of 11



W.P.No.2032 of 2019

from the date of death of petitioner's father and also more than 3 years of petitioner attaining the age of 18 years. Further, the second respondent having rejected the application submitted by the petitioner in the year 2012 vide proceedings dated 23.05.2015 after conducting Enquiry, the petitioner did not choose to challenge the same if he had felt aggrieved by the same. In the absence of any challenge to the said proceedings issued by the second respondent rejecting the claim of the petitioner for being provided with compassionate appointment, the said order had attained finality. The petitioner, by submitting further representation dated 11.07.2019 cannot call upon the respondent to revisit the decision of rejecting his application for compassionate appointment earlier without there being any challenge to the same.

13. In the facts of the present case, as noted above herein, since, the claim of the petitioner for being provided with compassionate appointment vide his representation submitted in the year 2012 having been rejected as early as on 23.05.2015, the petitioner, if felt aggrieved by the same, ought to have called in question the said proceeding. However, it is not shown to this Court that the petitioner having assailed the said proceedings. Thus, the proceeding by which the claim of the petitioner was rejected had attained finality and such proceeding which had attained

Page 6 of 11



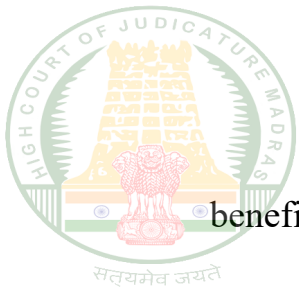
W.P.No.2032 of 2019

finality cannot be called in question by merely submitting a further representation and on its rejection, approach this Court, challenging the subsequent order without challenging the earlier proceeding.

14. It is a settled position of law that mere submission of repeated representation would not give rise to fresh cause of action for approaching this Court. [see: *C.Jacob v. Director of Geology and Mining and another* - (2008) 10 SCC 115]

15. It is also pertinent to note that the petitioner who was aged about 14 years at the time of his father's death did not approach the respondent and seek for being provided with compassionate appointment on attaining the age of 18 years. If only, the petitioner had submitted application within 3 years from the date of his father's death, as per the scheme of the respondents, which was applicable at the relevant time, even though was a minor, the said application can be considered for being provided with compassionate appointment in terms of G.O.(Ms.) No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, whereby minimum age requirement for making a claim was taken out and the petitioner could have been provided with appointment on compassionate ground on attaining the age of 18 years being a

Page 7 of 11



W.P.No.2032 of 2019

beneficial Government Order.

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16. Since, the petitioner did not approach the respondent authority within the time as prescribed under the Scheme/Rules and having approached the respondent after a lapse of more than 12 years, after the death of his father, seeking for appointment on compassionate ground, the non-consideration of the said request by the respondent by passing the impugned order, firstly, on 23.05.2015 and thereafter, again by the impugned proceedings, whereby, his fresh representation was also rejected, cannot be held as illegal or without application of mind as alleged.

17. It is a settled position of law that compassionate appointment is not a matter of right but is intended to enable the family to tide over the immediate crisis which may result from the death of the employee who is a breadwinner for the family as held by the Hon'ble Apex Court in the case of *Union of India Vs. Amirta Sinha* reported in (2021) 20 SCC 694.

18. Thus, considered from any angle, the claim made by the petitioner for the first time in the year 2012 seeking for being provided compassionate appointment on account of death of his father while in

Page 8 of 11



WEB COPY

W.P.No.2032 of 2019

service on 22.11.1999 is to be considered as not in accordance with the relevant scheme prevalent on the date of demise of the employee.

19. The Constitutional Bench of Hon'ble Apex Court in the case of *State of Madhya Pradesh and others Vs. Amit Shrivastava* reported in (2020) 10 SCC 496 had laid down the principle that scheme prevalent on date of death of employee would be applicable and not the subsequent.

20. Having regard to the law laid down by the Hon'ble Apex Court as noted herein above, in the facts of the present case, the rejection of the claim of the petitioner by the second respondent for being provided with appointment on compassionate ground by passing the impugned order cannot be said to be illegal.

21. Accordingly, the writ petition fails and is dismissed. No costs.

19.06.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

Page 9 of 11



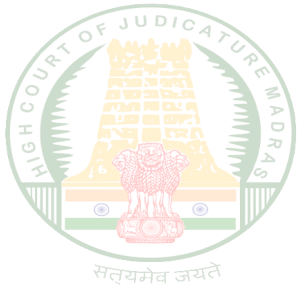
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W.P.No.2032 of 2019

Pre-delivery order made in
W.P.No.2032 of 2019

19.06.2026