

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/9/2015

C O R A M :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

Writ Appeal No.916 of 2015

1. Tamil Nadu Generation and
Distribution Corporation Limited
rep. By its Chairman
No.144 Anna Salai
Chennai 2.
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and
Distribution Corporation Limited
rep. By its Chairman
No.144 Anna Salai
Chennai 2.
3. The Superintending Engineer
Vellore Electricity Distribution Circle/Central
Vellore 632 006.
4. The Assistant Executive Engineer
Vellore Electricity Distribution Circle/Central
Vellore 632 006. ... Appellants/Respondents

Vs

K. Jayalakshmi

सत्यमेव जयते... Respondent/Petitioner

Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P.No.22171 of 2013 dated 13/8/2013.

W.P.No.22171 of 2013 : Writ Petition filed under Article 226 of the Constitution of India, calling for the records made in the impugned order of the 3rd respondent in letter No.0022869/ Ni. Pi.3/ E. Ni.U/ Ko.Varisu.Velai/ 2012 dated 27.12.2012 and quash

the same and further direct the respondents to provide suitable employment to the petitioner on compassionate ground.

For appellants : Mr.M.Fakkir Mohideen

For respondent : Mr. S.N.Ravichandran

J U D G M E N T
(delivered by SATISH K. AGNIHOTRI, J.)

This intra-Court appeal arises from the order dated 13 August, 2013 rendered by the learned Single Judge in W.P.No.22171 of 2013.

2. For the sake of brevity and clarity, the parties are referred to as per their litigative status in the instant intra-Court appeal. With the consent of the parties, the matter is taken up for final disposal.

3. The facts of the case in a nutshell are that the respondent, who is the daughter of late V.Ganesan, applied for appointment on compassionate ground on the death of her father on 13 July, 2011, while working as Line Inspector in the Tamil Nadu Electricity Board. The learned Single Judge, taking cognizance of the fact that the respondent is one of the daughters of the deceased, held that she is eligible for consideration of grant of appointment on compassionate ground, albeit she is married, as her marital status is not a disqualification. Aggrieved by the said observation made by the learned Single Judge, the respondents have come forward with the present intra-Court appeal.

4. The aforesaid issue, viz., whether a married daughter is entitled for appointment on compassionate ground, came up for consideration before a Division Bench of this Court of which one of us was a Member (Satish K. Agnihotri, J.) in W.A.No.635 of 2015, wherein, vide order dated 23 April, 2015, it was held as under:-

"The ratio which arises from the
afore-stated observation is, that a
married daughter is eligible for
consideration subject to submission of
'No objection certificate of other

members of the deceased family and also with an undertaking from her and her husband that she will take care of the other members of the parents' family.

In that view of the matter, we are of the view that the impugned order may be modified to the extent that while considering the representation of the writ petitioner, the authorities may direct the writ petitioner to produce the undertaking as aforesaid and thereafter, pass orders accordingly, as per law, preferably within a period of four weeks from the date of receipt of a copy of this order."

5. Since the issue involved in the instant case is covered by the aforesaid order, this writ appeal is also disposed of on the same terms. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mvs.

To

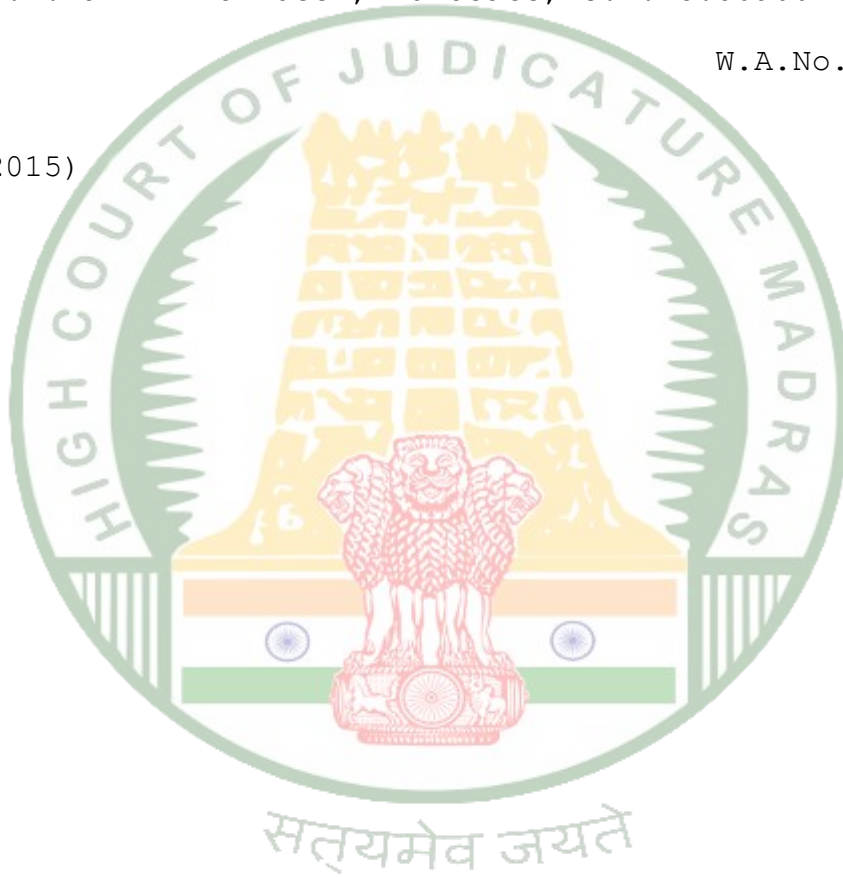
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+1cc to Mr.S.N.Ravichandran, Advocate, S.R.No.50322
+1cc to Mr.M.Fakkir Mohideen, Advocate, S.R.No.50900

W.A.No.916 of 2015

GJ(CO)
CA(19/10/2015)



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