

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29002 of 2015

And

M.P.No.1 of 2015

S.Kalaiyarasu

... Petitioner

Vs.

- 1 The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO) 144 Anna
Salai Chennai - 600 002.
 - 2 The Superintending Engineer
(West) Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO)
Thirumangalam Anna Nagar Chennai - 600 040.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent Ka.No.005715/43/May.Po/May/NiA/NiB3/NiMay/U.2/Ko.Vaa.Vey /15 dated 29.05.2015 and Quash the same and consequently direct the 1st and 2nd respondents to consider the petitioner for compassionate appointment with birth certificate and legal heirship certificate without insisting petitioners father name and his initial in the School Transfer Certificate and Mark Statement of the Petitioner.

For Petitioner : Mr.V.Stalin

For Respondents : Mrs.R.Varalakshmi

ORDER

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he is the biological son of his father namely, S.P.Siva and mother namely, Tmt.Malathi and he was born on 08.10.1993. The petitioner would further state that his father was employed as Mazdoor in the services of the then Tamil nadu Electricity Board now, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and he died in harness on 29.10.2011

leaving behind his mother and three sons which include the petitioner. It is further stated by the petitioner that at present he is undergoing Diploma in Electrical and Electronics course and on account of the tragic demise of his father who died in the course of employment, they are finding it difficult to meet both ends meet and on account of the poor family background, the mother of the petitioner has requested her elder brother namely, Kirubakaran to bring him up while the petitioner was aged five years and therefore, he brought him up and in the school records, his name has been included as father whereas, it is not so. The legal heirship certificate was also issued after verification. Even as per the said certificate, the name of his father is S.P.Siva and not Kirubakaran. The mother of the petitioner has also sworn to an affidavit dated 19.02.2013 stating that the father of the petitioner is only Siva and not Kirubakaran and the Tahsildar, Ponneri has also issued a certificate dated 04.01.2013 incorporating the name of the father as S.P.Siva and so also the family card bearing no.04/G/0352984. The petitioner also applied for compassionate ground appointment and it was rejected by the second respondent vide the impugned order stating that since his initial is given as 'K' instead of his fathers 'S', he has to change the same in the relevant records and challenging the vires of the same, the petitioner came forward to file this writ petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 08.11.2011 made in W.P.No.25677 of 2011 and would submit that in similar facts and circumstances, this Court has accepted the claim of the petitioner therein and passed a positive order directing the concerned Authority to accept the gazette publication which incorporates the name of the petitioner and prays for similar relief as the petitioner has also made a gazette publication in the Tamil Nadu Gazette dated 24.06.2015 and also submitted a representation dated 02.07.2015 to the second respondent and hence prays for appropriate orders.

4.Heard the submissions of Mr.V.Stalin, learned counsel appearing for the petitioner and Mrs.R.Varalakshmi, learned counsel who accepts notice on behalf of the respondents.

5.This Court in the light of the order dated 08.11.2011 made in W.P.No.25677 of 2011, directs the second respondent to take note of the documents enclosed along with the petitioner's representation dated 02.07.2015 especially the gazette notification dated 24.06.2015 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

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- 2 The Superintending Engineer
(West) Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO)
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+1 cc to M/s.V.Stalin, Advocate, sr.50275
+1 cc to Mrs.R.Varalakshmi, Advocate, sr.50498

W.P.No.29002 of 2015
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