



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2015

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THE HONOURABLE Mr.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE Mr.JUSTICE V.S.RAVI

W.A. (MD) No.924 of 2015

and M.P. (MD) No.1 of 2015

1. The Chief Engineer(Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited,
(Formerly Tamil Nadu Electricity Board),
144, Anna Salai,
Chennai.
 2. The Superintending Engineer,
Tirunelveli Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited.,
(Formerly Tamil Nadu Electricity Board),
Tirunelveli.
- ... Appellants/Respondents

Vs.

R.Chitra Yuvarani ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this Court made in W.P.(MD) No.4323 of 2014 dated 15.04.2013.

Prayer in WP(MD). 4323/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus after calling for the records from the 2nd Respondent relating to the impugned orders dated 07.01.2013 passed in Letter No. 038023/4 NiPi 3/ U.3/Ko.Va.Ve/13 and 05.03.13 passed in letter No.005297/109/ Nipi III/U.3/Compassionate Appointment, quash the same and consequently to direct the Respondents to provide suitable Compassionate appointment to the petitioner in the respondent corporation and award cost and thus render justice.

For Appellants : Mr.A.U.Ramanathan

For Respondent : Mr.S.Arunachalam

for Mr.R.M.Sivakumar

JUDGEMENT

<https://hcservices.ecourts.gov.in/reserve> The challenge in this Writ Appeal is to the order passed in W.P.NO.4323 of 2013 by a learned Single Judge wherein the learned Single Judge has set aside the order passed by the



appellants declining to give appointment on compassionate ground to the respondent herein on the ground that she was already married even before the death of the employee of the appellants.

3. Today, this Writ Appeal has come up for admission. By consent this Writ Appeal is taken up for hearing.

4. We have heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondent. We have perused the materials carefully.

5. Admittedly, the respondent's father was an employee of the Tamil Nadu Electricity Board and he died while in service on 01.07.2011. Admittedly, the respondent got married in the year 2010 i.e prior to the death of her father. After demise of her father, the respondent made a representation seeking compassionate appointment and that was rejected on the ground that as per the Tamil Nadu Electricity Board's proceedings in B.P(Ch) No. 330 Administration on 02.11.1993 only the dependants namely, Wife/Husband/Son/Unmarried Daughter are eligible for compassionate appointment. The married daughter deserted by her husband/Widowed or divorced daughter living with the family may be considered for employment assistance on compassionate ground, if the widow of the deceased employee gives her consent in writing. Thus, according to the appellants, the respondent is not entitled for compassionate appointment since she was already married.

6. We have considered the above submissions.

7. The learned Single Judge has extensively quoted the judgment of this Court in the case of G.Girija Vs. the Assistant Director (Panchayats) Kancheepuram, Kancheepuram District reported in 2008(5) CTC 785 wherein in similar circumstances, this Court had taken the view that there cannot be any distinction between females and males in the case of giving compassionate appointment and therefore, even if the daughter was already married, if she is a dependant of the deceased, she is entitled for compassionate appointment. The said judgment has been followed by the subsequent judgment in W.P.(MD) No.8686 of 2011. Thus, the learned Single Judge has referred to these two judgments and taken the view that though it is true that the respondent was already married, her claim for compassionate appointment should be considered.

8. We do not find any infirmity in the order passed by the learned Single Judge. Hence, the Writ Appeal deserves only to be dismissed and accordingly, the same is dismissed. No costs.



Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer(Personnel),
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Tamil Nadu Generation and Distribution
Corporation Limited.,
(Formerly Tamil Nadu Electricity Board),
Tirunelveli.

+ 1 CC TO MR.A.U.RAMANATHAN, ADVOCATE IN SR NO. 52623
+ 1 CC TO MR.R.M.SIVAKUMAR, ADVOCATE IN SR NO. 51997

SES

TE/NGM-SS/ 21/09/2015 3P/5C

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