



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.20433 of 2014

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A.Soundari

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
Tirunelveli Electricity Generation and
Distribution Corporation,
Tirunelveli,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent herein in his proceedings Ka.No.027823/383/ உ.நி.அ./நி.பி.3/உ3/கோ.வாரிசு வேலை/2014 நாள் 3.11.2014 and quash the same as illegal and consequentially to direct the respondents herein to consider the petitioner for appointment to any lower post on compassionate grounds and pass such further or other orders as this Court may deem fit and proper in the interest of the case.

For Petitioner :Mr.A.Thiruvadikumar

For Respondents :Mr.G.Kasinathadurai

Standing Counsel

ORDER

In this writ petition the petitioner is seeking for a Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent herein in his proceedings Ka.No.027823/383/ உ.நி.அ./நி.பி.3/உ3/கோ.வாரிசு வேலை/2014 நாள் 3.11.2014 and quash the same as illegal and consequently to direct the respondents herein to consider the petitioner for appointment to any lower post on compassionate grounds.

2. By consent of both the parties, the main writ petition itself is taken up for final disposal at the stage of admission.

3. The petitioner is aggrieved against the order of the third respondent dated 3.11.2014 wherein and whereby her request seeking for compassionate appointment was rejected on the ground that the petitioner was not having the minimum educational qualification of 8th standard for considering the request for compassionate appointment.



4. The petitioner contends that she may be considered for any lower grade post at the respondent Electricity Board taking into consideration of her family circumstances which is in need of financial assistance from the respondent department by giving an employment to the petitioner in pursuant to the death of her husband.

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5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials placed before this Court.

6. In similar circumstances, this Court passed an order in W.P.No.3000 of 2011 dated 5.3.2012 in respect of another person and directed the respondents to consider the case of the petitioner for appointment to any of the post which she was eligible as per her educational qualification. Thus the reason stated to deny compassionate appointment, in this case, cannot be sustained.

7. The learned counsel for the respondents fairly submitted that the said order passed by this Court squarely covers the issue involved in this matter also.

8. Accordingly the writ petition is allowed by following the order made in W.P.No.3000 of 2011 dated 05.03.2012 and the impugned order is set aside. Consequently, the third respondent is directed to consider the claim of the petitioner for appointment on compassionate ground to any of the post to which she is eligible as per her present educational qualification and pass such order within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(Per Admn)

/True copy/

Sub Assistant Registrar

TO

1. The Chairman, Tamil Nadu Electricity Board, Anna Salai, Chennai - 600 002.
2. The Chief Engineer (Personnel), Tamil Nadu Electricity Board, Anna Salai, Chennai - 600 002
3. The Superintending Engineer, Tirunelveli Electricity Generation and Distribution Corporation, Tirunelveli, Tirunelveli District.

+1CC to M/s.G.Kasinathadurai, Advocate in SR.1630

+1CC to M/s.A.Thiruvadikumar, Advocate in SR.1181

W.P. (MD) No.20433 of 2014

09.01.2015

ses.

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