

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2016

CORAM:

THE HON 'BLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.25531 of 2014

R.Lavanya

... Petitioner

Versus

1. Tamil Nadu Generation and Distribution Corporation Limited,
Rep. By its Chairman, No.144 Annasalai,
Chennai - 600 002
2. The Chief Engineer-Personnel,
Tamil Nadu Generation & Distribution Corporation Limited,
No.144 Annasalai, Chennai - 600 002
3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO Limited,
Mettur Dam - 636 401

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records from the third respondent leading to pass the impugned order in Ka.En/MEMIPAVA/MO/NIP11/U3/Govave/En 955/2014, dated 01.09.2014, quash the same and consequently, direct the third respondent to consider the application of the petitioner for compassionate appointment, on merits in accordance with law and provide compassionate appointment to the petitioner.

For Petitioner : Mr. C.Jagadish

For Respondents : Mr. P.R.Dhilip Kumar

O R D E R

This writ petition has been filed by the petitioner praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent, leading to pass the impugned order in Ka.En/MEMIPAVA/MO/NIP11/U3/Govave/En 955/2014, dated 01.09.2014, quash the same and consequently, direct the third respondent to consider the application of the petitioner for compassionate appointment, on merits and in accordance with law and provide compassionate appointment to the petitioner.

2. Heard the learned counsel appearing for both sides.

3. It is submitted by the learned counsels appearing for both sides that the issue involved in this writ petition is no longer res integra and has been decided by this Court, in the case of Jayalakshmi v. Tamil Nadu Generation and Distribution Corporation Limited, Rep. By its Chairman and two others, in W.P.No.22171 of 2013, dated 13.08.2013. In the said decision, it has been held that the married daughter, by virtue of the marriage, cannot be excluded from the purview of appointment of the compassionate appointment.

4. Further, the said proposition has also been confirmed by the subsequent decisions of this Court, in the case of G.Girija v. The Assistant Director (Panchayats), Kancheepuram and three others, reported in 2008 (5) CTC 686 and in the case of Mariyammal v. The District Collector, Tirunelveli and two others, in W.P.(MD) No.11400 of 2010, dated 08.01.2014, and in the case of S.Saraswathi v. The State of Tamil Nadu, Rep. By its Commissioner and Secretary, Department of Employment Services and another, in W.P.(MD) No.3153 of 2010, dated 23.01.2014.

5. Further, in G.Girija's case, cited supra, in paragraph 7 it has been held as follows:-

"7. In view of the Division Bench judgment, which has already settled the controversy in this matter, the impugned order challenged in this Writ Petition is set aside and the second respondent is directed to issue appointment order to the petitioner on compassionate ground without reference to the marriage of the petitioner, in terms of the order passed by the Division Bench of this Court. Necessity order is directed to be passed by the second respondent within a period of four weeks from the date of receipt of a copy of this order".

6. It is not disputed by the learned counsel for both sides that the impugned order has been rejected only on the ground that the petitioner is a married daughter.

7. In view of the said proposition of law laid down by this Court, the impugned order has no legs to stand, even though a detailed counter affidavit has been filed by the respondents stating that the appointment for compassionate ground is to meet the sudden crisis occurring in the family on account of death or medical invalidation of the breadwinner, while in service. But, that is not the reason given in the impugned order. The reason given is that, the petitioner,

being married daughter, is not eligible to be appointed on compassionate ground.

8. In view of the above, the impugned order is set-aside and the matter is remitted back to the authority concerned, to pass fresh orders, on merits and in accordance with law, after taking into consideration the Judgments, referred to supra.

9. In the result, this writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO Limited,
Mettur Dam - 636 401

1 cc to Mr.C.Jagadish, Advocate, sr.46717

1 cc to Mr.P.R.Dhilipkumar, Advocate, sr.46737

W.P.No.25531 of 2014

gj co
kra 19.09.2016

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