

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P. No.10809 of 2013

Tmt.S.Janaki

...Petitioner

Vs.

1. Tamil Nadu Generation and
Distribution Corporation Ltd.
Rep by it Chairman
No. 144, Anna Salai, Chennai.

2. The Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.
No. 144, Anna Salai, Chennai.

3. The Superintendent Engineer,
Chennai Electricity Distribution Circle/Central
Chennai - 34.

4. The Assistant Executive Engineer
Chennai Electricity Distribution Circle/Central
Chennai - 34.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records made in the impugned order of the third respondent in proceedings No. 006391/156/Ni.Pi.2/Ni.U.2/Ko.Va.Ve/2012 dated 08.05.2012 and quash the same and further direct the respondents to provide suitable employment to her daughter named Tmt.S.Selvi on compassionate ground.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : M/s.Varalakshmi

O R D E R

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

2. The petitioner herein is the married daughter of the deceased, an ex-employee of the respondent who died of heart attack while in service on 12.07.2011. Application was made on 31.03.2012, in the prescribed form by the petitioner, including necessary documents, seeking for compassionate appointment. The said application was rejected on the ground that the petitioner having been married on the date of application, the same cannot be considered and the compassionate appointment cannot be given. Challenging the said order of the respondent No. 3 dated 08.05.2012, the present writ petition has been filed by the petitioner before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

4. As rightly submitted by the learned counsel for the petitioner, the issue involved in this writ petition is no longer res integra, as this Court held in W.P. No. 22171 of 2013 dated 13.08.2013, confirmed in Writ Appeal No. 916 of 2015 dated 15.09.2015 and the findings of the Division Bench are as under;

"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, view order dated 23 April, 2015, it was held as under:-

"The ration 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 as 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 afore stated and thereafter, pass orders accordingly, as per law, preferably within a period of four weeks from the date of receipt of 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. Cost made easy. Connected Miscellaneous petition is closed."

5. In such view of the matter, the writ petition stands allowed. It is made clear that the other parameters as narrated by the order of the Division Bench would have to be complied with by the petitioner. On such compliance, the respondent concerned shall pass appropriate orders within a period of eight weeks thereafter.

6. With the above direction, the writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. Tamil Nadu Generation and Distribution Corporation Ltd.
Rep by it Chairman
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Chennai - 34.
4. The Assistant Executive Engineer
Chennai Electricity Distribution Circle/Central
Chennai - 34.

+1cc to Mr.S.N.Ravichandran, Advocate Sr.25164
+1cc to Mr.R.Varalakshmi, Advocate Sr.25779

W.P. No.10809 of 2013

lrs(CO)
srg(11/05/2016)