

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-07-2016

Coram

THE HON'BLE MR.JUSTICE B. RAJENDRAN

Writ Petition No.25351 of 2016

P.Suresh

.. Petitioner

Vs.

- 1.The Chairman
The Tamilnadu Generation
and Distribution
Corporation, TANGEDCO,
Anna Salai
Chennai-2.
 - 2.The Chief Engineer (Personnel)
TANGEDCO
Anna Salai
Chennai-2.
 - 3.The Superintending Engineer
Thiruvanamalai Electricity
Distribution Circle
TANGEDCO
Thiruvanamalai-606 604.
- .. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents Board to provide job assistance on compassionate ground and pass any other suitable order that may be deemed fit and proper.

For Petitioner : Mr.B.Manoharan

For Respondents : Mrs.R.Varalakshmi
Standing Counsel

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents Board to provide job assistance on compassionate ground.

3. The case of the petitioner is that his father joined as Contract Labour in the respondent Board in 1997. While in duty, his father died due to electrocution, on 23.05.2012. The petitioner made a representation, on 21.04.2016, seeking compassionate appointment, but, till date, there was no response. Hence, the present Writ Petition.

4. Mr.B.Manoharan, the learned counsel appearing for the petitioner would bring to the notice of this Court the order passed by this Court in W.P.No.16465 of 2008, dated 16.08.2013, wherein, this Court has held that in matters like this, the Board cannot be allowed to raise technical objections when facts are admitted that the deceased employee died while performing his duties and that the family is still in indigent circumstances and further directed the respondent Board to provide job assistance. He would also bring to the notice of this Court the order passed by this Court in W.P.No.23101 of 2012, dated 09.09.2014, wherein this Court directed the respondent Board to settle death-cum-terminal benefits and also to pay family pension and further directed to provide job assistance to the legal heir of the deceased employee. Relying on the said orders, the learned counsel would submit that the petitioner would be satisfied, if his representation, dated 21.04.2016, is directed to be considered by the respondents and appropriate orders are passed, in the light of the orders passed by this Court in W.P.No.16465 of 2008, dated 16.08.2013 and W.P.No.23101 of 2012, dated 09.09.2014.

5. Mrs.R.Varalakshmi, the learned Standing Counsel, who took notice on behalf of the respondents, has got no serious objection in directing the respondents to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submission, this Court, without going into the merits of the claim made by the petitioner, directs the respondents to consider the representation of the petitioner, dated 21.04.2016, and pass appropriate orders, on merits and in the light of the orders passed by this Court in W.P.No.16465 of 2008, dated 16.08.2013 and W.P.No.23101 of 2012, dated 09.09.2014, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

paa

To

- 1.The Chairman
The Tamilnadu Generation and Distribution
Corporation, TANGEDCO,
Anna Salai
Chennai-2.
- 2.The Chief Engineer (Personnel)
TANGEDCO
Anna Salai
Chennai-2.
- 3.The Superintending Engineer
Thiruvanamalai Electricity Distribution Circle
TANGEDCO
Thiruvanamalai-606 604.

+1cc to Mr.B. Manoharan, Advocate, S.R.No.41200
+1cc to M/s. R. varalakshmi, Advocate, S.R.No.41846

BVR(CO)
EU(10/08/2016)

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