

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

WRIT PETITION No.34002 of 2016

J.Sudhakar

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Anna Salai,
Chennai 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.800, Anna Salai,
Chennai 600 002.
3. The Superintending Engineer,
Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chengalpattu,
Kancheepuram Division. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first and second respondents to consider the representation of the petitioner, dated 30.01.2014 for appointment on compassionate grounds in the light of the judgment in W.P.No.9230 of 2011, by an order dated 02.09.2014 to reconsider the case of the petitioner in the changed circumstances and pass appropriate orders on merits within a time frame.

For Petitioner : Mr.J.Muthukumaran
For Respondents : Ms.R.Varalakshmi

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first and second respondents to consider his representation dated 30.01.2014 for appointment on compassionate grounds in the light of the order dated 02.09.2014 passed by this Court in W.P.No.9230 of 2011.

2. According to the petitioner, his father M.Jothi, who was serving as an Electrician in Madurantakam Section in Chengalpattu Electricity Distribution Circle, Chengalpattu in the erstwhile Tamil Nadu Electricity Board, expired while in service, on 28.12.1996, leaving behind him (i) Tmt. Indirani (Wife), (ii) Selvi Amutha (minor daughter, aged 9 years) (iii) Sudhakar (Minor son aged 7 years), (iv) Selvi Amasa (minor daughter, aged 4 years), (v) V.Munisami (Father) and (vi) Muniyammal (Mother), as his legal heirs.

3. As the petitioner's father was the sole breadwinner of his family, his mother applied to the Superintending Engineer, Distribution Circle, TNEB, Chengalpattu, requesting to grant her appointment on compassionate grounds. After verification of her original certificates, the Superintendent Engineer, by a letter dated 06.06.2001, informed his mother that since she had studied only upto V Standard, she is not eligible for Compassionate Appointment and thereby, rejected his mother's request.

4. It is the further case of the petitioner that he was only 7 years old at the time of death of his father and that he studied with great difficulties with the financial help received from the other members of the family. He acquired qualification of "Diploma in Electrical and Electronics Engineering" in April 2006 and thereafter, his mother applied to the authorities requesting to give compassionate appointment to the petitioner. The Superintending Engineer, Distribution Circle, TNEB, Chengalpattu, by a letter dated 25.11.2006 informed his mother that since he has not attained 18 years and that the request has been made after 3 years from the death of his father, appointment cannot be given to the petitioner on compassionate grounds. Aggrieved by the said order, the petitioner preferred an appeal to the 1st respondent on 12.11.2007, as he attained majority on 21.04.2006. Thereafter, the petitioner made several representations to the respondents seeking compassionate appointment. Since no action is taken on his representations, the petitioner is before this Court.

5. It is also stated by the petitioner that the

Electricity Board vide its proceedings in B.P.No.17, Administrative Branch, dated 01.11.2011 has ordered that the claim for compassionate ground appointments registered upto the year 2008 may be considered for appointment on compassionate grounds.

6. When the matter is taken up for hearing, learned counsel for the petitioner, drawing attention to a judgment passed by this Court in an identical circumstance, in W.P.No.9230 of 2011, on 02.09.2014, submitted that in that case, this Court has given a direction to consider the claim of the petitioner and hence, the petitioner's grievance would be redressed if the respondents are directed to consider the claim of the petitioner on seniority basis.

7. Per contra, learned counsel appearing for the respondents/Electricity Board submitted that when the earlier petition of the petitioner's mother seeking compassionate appointment has been rejected on the ground that she lacks required educational qualification, now the petitioner cannot seek compassionate appointment. Further, learned counsel for the respondents submitted that though the petitioner has attained majority, his claim of compassionate appointment cannot be considered now, after a lapse of nearly 20 years.

8. Irrespective of the submissions made on either side, this Court directs the petitioner to give a fresh representation to the respondents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the claim of the petitioner in view of the Proceedings of the Electricity Board vide B.P.No.17, Administrative Branch, dated 01.11.2011 and in view of the order dated 02.09.2014 passed by this Court in W.P.No.9230 of 2011, on merits and in accordance with law and pass appropriate orders within a period of eight weeks.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

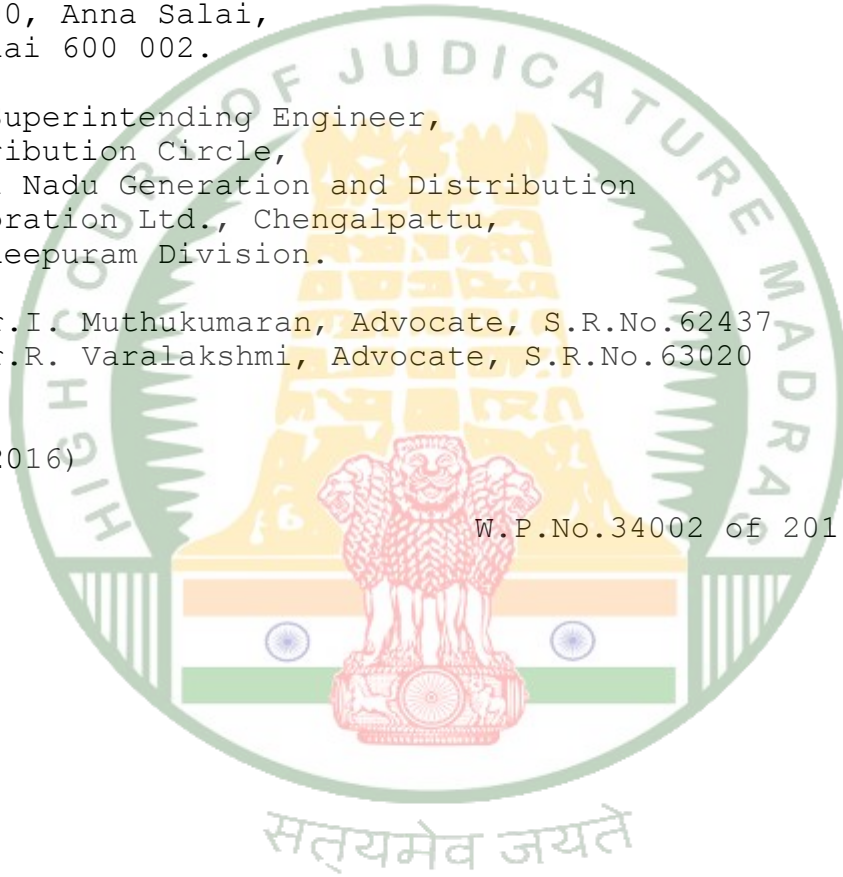
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To:

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3. The Superintending Engineer,
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Tamil Nadu Generation and Distribution
Corporation Ltd., Chengalpattu,
Kancheepuram Division.

+1cc to Mr.I. Muthukumaran, Advocate, S.R.No.62437
+1cc to Mr.R. Varalakshmi, Advocate, S.R.No.63020

ks (CO)
md(02/11/2016)

W.P.No.34002 of 2016



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