

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8109 of 2016

1 H.Ramadas

[Petitioner]

Vs.

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

2 The Chief Engineer
Tamil Nadu Electricity Board
Head Office
Anna Salai, Chennai-600 002

3 The Superintending Engineer
Tamil Nadu Electricity Board
O/o.The Superintending Engineer
TEDC/Thiruvannamalai-606 604

4 The Executive Engineer
Tamil Nadu Electricity Board
Polur & Post
Thiruvannamalai District

5 The Assistant Engineer
Mansurabath
Polur Taluk
Thiruvannamalai District

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to quash the impugned order in proceeding Ka.No. Me.Po / T.Malai/ Ni.Pi.2 / U.3 / Ko.Va.Ve / Court Case / 2014 dated 10.06.2014 issued on the file of the 3rd respondent and direct the 3rd respondent to grant appointment to the petitioner for any post of Mazdoor or Attender of Office Assistant Post to the petitioner.

For Petitioner : Mr.R.G.Annamalai

For Respondents : Mrs.R.Varalakshmi

O R D E R

Heard the learned counsel for the petitioner and Mrs.R.Varalakshmi, learned Standing Counsel for TANGEDCO, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. The petitioner Mr.H.Raamadas, aggrieved by the order dated 10.6.2014, has come to this Court, questioning the correctness of the order, rejecting his request for compassionate appointment.

3. The petitioner's father late Thiru A.Harikrishnan, while serving in Tamil Nadu Electricity Board, died on 1.11.2011. The petitioner has made an application seeking appointment on compassionate ground. As the said application was not considered, he has come to this Court and obtained an order in W.P.No.28750 of 2013 on 24.10.2013, in which this Court has directed the respondents herein to consider the petitioner's representation seeking compassionate appointment and dispose of the same within a period of eight weeks from the date of receipt of the copy of the order. Pursuant thereto, as no response was forthcoming, the petitioner was compelled to file a Contempt Petition No.800 of 2014 and finally, the impugned order is passed.

4. The learned counsel for the petitioner would submit that the two reasons given by the third respondent, rejecting his request for compassionate appointment, are totally misconceived and he would further submit that when the petitioner has sought for employment as Mazdoor, the third respondent cannot reject it on the ground that he is not possessed of requisite qualification, since they have the power to relax the educational qualification. With regard to another contention that the petitioner's elder brother Thiru Kesavan is working in Indian Army, the learned counsel for the petitioner has submitted that the petitioner's elder brother has long back separated from the family and therefore, his elder brother's employment in Indian Army is nothing to do with his prayer for compassionate appointment.

5. After giving anxious considerations to the contentions raised on either side, this Court is not able to see any infirmity in the two reasons mentioned in the impugned order. Firstly, the third respondent has proceeded to reject the petitioner's request holding that the petitioner's elder brother Mr.Kesavan has been serving in Indian Army. This fact has been completely not disclosed while seeking for compassionate appointment. Secondly, the minimum educational qualification required in the respondent Board is a pass in VIII Standard, but the petitioner has not possessed that qualification also. Therefore, this Court is not inclined to entertain the Writ Petition. The Writ Petition fails and the same is dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

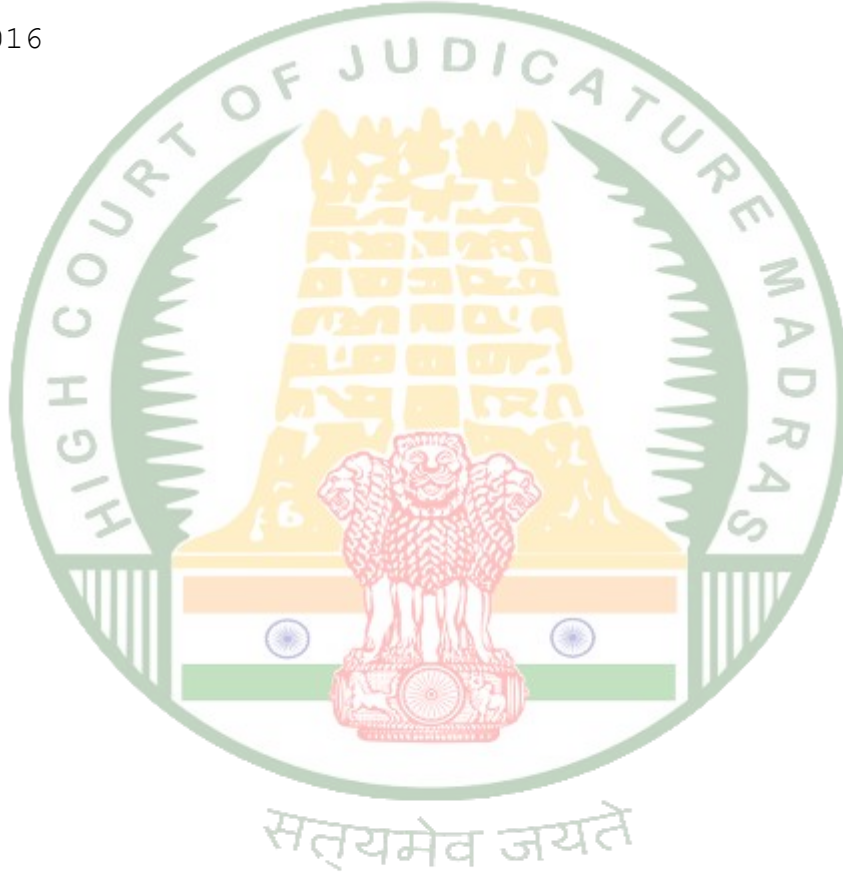
To

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+1 cc to M/s.R.Varalakshmi Advocate sr.14500
+1 cc to Mr.R.G.Annamalai Advocate sr.13946

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