



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.16839 of 2016

A.Lakshmidevi

... Petitioner

vs.

1)The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

2)The Chief Engineer(Employment),
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-2.

3)The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records passed by the 3rd respondent herein in his Letter No. 34474/300/Ni.A/Ni.B.2/U.2/Ko.Thani/16 dated 04.02.2016 and quash the same and consequently direct the respondents herein to consider the case of the petitioner for appointment on compassionate grounds.

For Petitioner : Mr.K.Vamanan

For Respondents : Mr.A.Ramanathan

ORDER

This writ petition has been filed seeking a direction particularly, a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in his Letter No. 34474/300/Ni.A/Ni.B.2/U.2/Ko.Thani/16 dated 04.02.2016 and to quash the same and consequently directing the respondents to consider the case of the petitioner for appointment on compassionate grounds.

2.The petitioner's husband is one Arumugam. Before his death, he was serving at the office of 230 KV Sub Station, Muthiyapuram, Thoothukudi, as Junior Assistant(Accounts). He died in harness on 06.01.2013 leaving behind the entire family. By the time when the petitioner's husband died, his elder son Muthusamy was aged 9



years and the younger son Vigneshkumar was aged 7 years. The petitioner's husband was the only breadwinner of the family and he left the family in indigent circumstances. The petitioner was the only member who was eligible to ask for appointment having regard to the age and qualification.

3. The petitioner did not pass VIII Standard and in fact, she failed in VIII Standard and only to that effect, she was able to produce the certificate regarding the educational qualification. Her request for compassionate appointment has been rejected on the ground that the candidates seeking compassionate appointment should possess a pass in VIII Standard and since the petitioner did not have the required educational qualification, her claim for compassionate appointment cannot be considered. This order is under challenge in this writ petition.

4. Learned counsel for the petitioner would submit that even though the petitioner did not possess the required qualification, it is for the Electricity Board to consider relaxation of the Rules so as to accommodate the petitioner on compassionate grounds.

5. Learned counsel for the petitioner has also relied upon a judgment of this Court passed in **J.Selvi vs. Superintending Engineer, Madurai Electricity Distribution Circle, Madurai (W.P (MD) No.1137 of 2008, dated 17.07.2008)** in which, similar claim was under challenge. This Court while passing the order, has pointed out that already the Government itself have relaxed the Rules in order to accommodate the cases arising under compassionate appointment.

6. Under such circumstances, the order passed by this Court in W.P(MD) No.1137 of 2008, dated 17.07.2008 is squarely applicable to the facts of this case also. Accordingly, the respondents are directed to consider the petitioner for compassionate appointment, subject to suitability and eligibility and if need be by relaxing the rules and having regard to the object with which compassionate appointments are given, they are also directed to give appointment to the petitioner on compassionate grounds, within a period of 30 days from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



1)The Chairman,
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800, Anna Salai,
Chennai-2.

3)The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

+1cc to Mr.K.Vamanan Advocate Sr.No. 50616

JAM/07.12.16/SS 2 /3p-5c

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