



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

CORAM

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18466 of 2016
and
W.M.P (MD) No.13306 of 2016

Tmt.Gomathi

... Petitioner

vs.

1) The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.

2) The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.

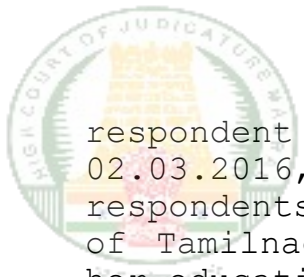
3) The Superintending Engineer,
Pudukottai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamilnadu Electricity Board,
Pudukottai-622 001.

... 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 in pursuant to the impugned order passed by the 3rd respondent in Letter No.06415/130/Ni Pil/U4/Ko. Va. Ve/2016-01 dated 02.03.2016 and quash the same and consequently direct the Respondents to provide employment to petitioner in the services of Tamilnadu Electricity Board on compassionate grounds based on the Educational Qualification within the stipulated time may be fixed by this Hon'ble Court.

For Petitioners : Mr.M.Saravanakumar
For Respondents : Mr.M.Balasubramanian

ORDER



respondent in Letter No.06415/130/Ni Pil/U4/Ko. Va. Ve/2016-01 dated 02.03.2016, to quash the same and consequently to direct the respondents to provide employment to the petitioner in the services of Tamilnadu Electricity Board on compassionate grounds, based on her educational qualification within a time frame.

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2.The petitioner's husband was working as Assessor Grade-II in TNEB and expired while in service on 13.10.2011; the petitioner submitted a representation on 18.09.2012, seeking appointment on compassionate grounds, which is the application seems to have been submitted along with the request for disbursement of the terminal benefits of her husband, to the family members between whom, there had been a dispute; the fact that the petitioner submitted a representation dated 18.09.2012, finds place in the proceedings dated 21.03.2013 of the Assistant Engineer, Tamilnadu Electricity Board, Nachanthupatti, addressed to the petitioner; however, contrary to that, the request of the petitioner has been rejected, on the ground that the application for compassionate appointment was not submitted within the period of three years from the date of death of her husband and this order is under challenge.

3.The learned counsel for the petitioner has relied upon several orders passed by this Court and one of such order is W.P(MD) No.2259 of 2005, dated 10.08.2006, whereunder, a positive direction was issued to the respondents to provide compassionate appointment to the petitioner within a period of six weeks and the learned counsel has prayed that similar order may be passed in this case also.

4.The learned counsel for the respondents would oppose the claim of the petitioner, on the ground that the impugned order passed by the 3rd respondent is perfectly justified.

5.In the impugned order, it is stated that the application for compassionate appointment shall satisfy the following criteria:-

- (i) The application should be filed within three years from the date of death of the employee working in the Board.
- (ii)The applicant must have completed 18 years of age.
- (iii)The applicant must have passed the minimum educational qualification of 8th Standard.

6.Let this Court consider as to whether the above three reasons can be accepted in the case of the petitioner.

6.1.Sofaras the first reason is concerned, it is evident from the proceedings dated 21.03.2013 of the Assistant Engineer, Tamilnadu Electricity Board, Nachanthupatti, addressed to the petitioner that the petitioner has submitted her application for compassionate appointment as early as on 18.09.2012 itself, which is well within three years from the date of death of her husband i.e.,



6.2. As far as the second reason relating to age is concerned, the petitioner was 26 years old even at the time of making her application dated 18.09.2012.

6.3. So far as the third reason is concerned, the document enclosed at page 7 of the typed set of papers, which is a Mark Statement of Secondary School Examination, shows that it pertains to Class X, in which the petitioner has failed. That implies that the petitioner has passed in eighth standard.

6.4. Therefore, all the three reasons stated in the impugned order do not stand to acceptance by this Court.

7. Under such circumstances, the impugned order is set aside and the respondents are directed to provide compassionate appointment to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed. No costs. Consequently, W.M.P(MD)No.13306 of 2016 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1) The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Tamil Nadu Electricity Board,
Chennai-600 002.

2) The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Tamil Nadu Electricity Board,
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3) The Superintending Engineer,
Pudukottai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamilnadu Electricity Board,
Pudukottai-622 001.

+ 1 CC TO Mr.M.SARAVANAKUMAR, ADVOCATE IN SR No. 56577
+ 1 CC TO Mr.M.BALASUBRAMANIAN, ADVOCATE IN SR No. 56749

NBI

TE/SK-SKN : 24/10/2016 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>

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W.M.P (MD)No.13306 of 2016
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