



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

C O R A M

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THE HONOURABLE Dr. JUSTICE S.VIMALA

Writ Petition (MD) No.18479 of 2016

and

W.M.P. (MD) Nos.13317 and 13318 of 2016

S.Nagammal

.. 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,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Chennai - 600 001.

.. Respondents

Prayer: 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. 137205/410/NiPi2/U2/Ko.Varisu Velai/2011 dated 05.01.2012 and consequential order passed by the 2nd Respondent in Letter No. 091525/587/G9/G9(1)2014-1 dated 25.10.2014 and quash the same and consequently direct the Respondents to provide suitable employment to the petitioner son namely Mr.Velmurugan in the services of Tamil Nadu Electricity Board on compassionate grounds based on the Educational qualification within a stipulated time.

For petitioner ... Mr.M.Saravana Kumar

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

For Respondents ... Mr.A.U.Ramanathan

**ORDER**

The claim of appointment on compassionate ground has been rejected by the respondent on the ground that the application was not submitted within a period of three years. This order is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The facts leading to the filing of the writ petition run as under:-

(i) The petitioner's husband was working as Inspector of Assessor in Tamilnadu Electricity Board and he died on 26.01.1995, while he was in service. The first application for compassionate appointment, was submitted on 19.10.1995, while the petitioner's son was a minor. On the ground that the application was not made within a period of three years, the same was rejected. That rejection order came to be challenged in W.P. (MD) No.2259 of 2005 and that order was set aside by this Court vide order dated 10.08.2006.

(ii) The respondents have filed a writ appeal in W.A. (MD) No.74 of 2007, which was dismissed by the Division Bench on 26.03.2007. Thereafter, Review Application No.23 of 2008 was also dismissed by order dated 06.08.2008.

(iii) In the meantime, there had been various changes in the board proceedings that was effected by the respondents, concerning the period of limitation for filing an application on compassionate ground.

4. Those board proceedings were considered and commented upon by the Judgment of the Division Bench of this Court, in W.A. (MD) No.792 of 2011, dated 03.12.2015, under which, apprehension was expressed that those proceedings might have been brought into existence only to benefit a few people and after accommodating them, the proceedings were cancelled. However, the fact remains that as per the last board proceedings available on record, there is no limitation.

5. It is admitted by the learned counsel for the respondents that as per board proceedings available as on date, there is no limitation for filing an application for appointment on compassionate ground. Under such circumstances, the impugned rejection order of the third respondent in Letter No.13705/410/NiPi2/U2/Ko.Varisu Velai/2011, dated 05.01.2012 and the consequential order passed by the 2nd Respondent, in Letter No.091525/587/G/(G9(1)2014-1, dated 25.10.2014 are set aside.

<https://hcservices.ecourts.gov.in/hcservices> 6. This is an assurance on the part of the respondents that subject to suitability and eligibility, the petitioner will be provided employment in a suitable post.



7. Recording the said submission, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(T & P)

/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,
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3. The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Chennai - 600 001.

+1cc to M/S.M.Saravana Kumar, Advocate in SR.No.56578.

+1cc to M/S.A.U.Ramanathan, Advocate in SR.No.56750.

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