



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20422 of 2016

P.Sivakami

: Petitioner

Vs.

1.The Chief Engineer (Personnel),
(Administrative Branch),
Tamil Nadu Generation and Distribution Corporation,
No.800, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer (Administration),
Pudukottai Electricity Distribution Circle,
Pudukottai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Letter No.01002/25/Nipi/24/Ko.Va.Ve/2015-1 passed by the second respondent dated 05.02.2015 and quash the same and subsequently direct the respondents to give job to the petitioner on compassionate ground by considering petitioner's representation dated 30.01.2015.

For Petitioner : Mr.S.Lenin Prabu

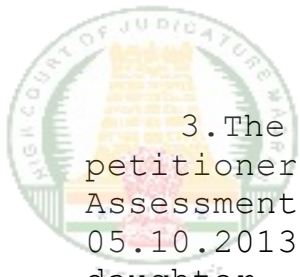
For Respondents : Mr.A.U.Ramanathan

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus praying to call for the records relating to the impugned order in Letter No.01002/25/Nipi/24/Ko.Va.Ve/2015-1 passed by the second respondent dated 05.02.2015 and quash the same and consequently to direct the respondents to give job to the petitioner on compassionate ground by considering her representation dated 30.01.2015.

2.Heard the learned counsel appearing for the petitioner and the learned counsel who took notice for the respondents. By

its writ petition itself is taken up for final disposal.



3.The case of the petitioner is that the husband of the petitioner namely Mr.K.Palaniappan, who was working as an Assessment Officer under the second respondent, died on 05.10.2013, while in service, leaving behind his wife and his daughter, namely, Logapriya, as his legal representatives. On 30.01.2015, she applied to the second respondent for appointment on compassionate ground. However, the second respondent rejected the same on the ground that she did not complete 8th Standard, vide order, dated 30.01.2015. The petitioner sent a representation to the second respondent on 19.09.2016. The second respondent again sent a communication dated 22.09.2016, rejecting her claim on the same ground. Therefore, this writ petition has been filed.

4.The learned counsel for the petitioner relies upon the Tamil Nadu Electricity Board Service Regulations, wherein it is stated that for the posts of Watchman, Gardener, Sweeper and Sanitary Worker, ability to read and write Tamil, is sufficient and for the posts of Mazdoor Grade I, Mazdoor Grade II, Coal Mazdoor, Laboratory Helper, Messenger Boy, Gurkha Watchman and Matty-cum-Watchman, pass in IV Standard with one year practical experience in the type of work concerned, is sufficient. The learned counsel for the petitioner submitted that under such circumstances the case of the petitioner for appointment on compassionate ground, may be considered for anyone of the posts of Watchman, Gardener, Weeper and Sanitary Worker.

5.The learned counsel for the respondents has not disputed with the submission made on the side of the petitioner.

6.Under such circumstances, the impugned order passed by the second respondent dated 05.02.2015 is set aside and the matter is remitted back to the second respondent and the second respondent is directed to consider the case of the petitioner for appointment on compassionate ground, for anyone of the posts of Watchman, Gardener, Weeper and Sanitary Worker, for which, there is no requirement for educational qualification and to pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar



To

1.The Chief Engineer (Personnel),
(Administrative Branch),
Tamil Nadu Generation and Distribution Corporation,
No.800, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer (Administration),
Pudukottai Electricity Distribution Circle,
Pudukottai.

+1cc to Mr.S.Leninprabu, Advocate SR.No.63687

smn

sm:SS2:10/11/2016:3P/4C

ORDER MADE IN
W.P(MD)No.20422 of 2016
26.10.2016