



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.21455 of 2016

P.Gohila Devi

: Petitioner

Vs.

1.The Chief Engineer (Service),
Tamil Nadu Generation and Distribution Corporation Limited,
K.R.R.Maligai, 144,
Anna Salai,
Chennai.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai City, Madurai - 625 007. : 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 connected with the letter/proceedings of the second respondent made in க.எண் .மே.பொ/ பெரு/ மது/ நிஅ/ நிபி2/ உ3/ அ.845/2015, dated 30.09.2016 and quash the same and further direct the respondents to give the appointment to the petitioner commensurate with her qualification under compassionate ground on her requisition, dated 19.08.2015.

For Petitioner : Mr.Babu Rajendran

For Respondents : Mr.A.U.Ramanathan,
Standing Counsel for TANGEDCO.

O R D E R

The rejection of the claim for compassionate appointment of a divorced daughter, is under challenge in this writ petition.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for TANGEDCO, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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

3.0.The background facts leading to the filing of this writ

petition are as follows:

The father of the petitioner, Mr.G.Palani, who was employed as Special Grade Foreman in the respondent office at Arasaradi South, Arasaradi Sub Division, Madurai West Division, Madurai Electricity Distribution Circle, Madurai City, died on 30.11.2014 due to illness, while in service, leaving behind his wife and his two daughters including the petitioner, as his legal representatives.

3.2.During the life time of her father, the petitioner's marriage was performed with one Mr.N.Senthilvel, on 15.12.2013 and due to cruelty, she left the matrimonial home and came to her parental home during the last week of December, 2013. She applied for divorce by filing H.M.O.P.No.600 of 2015 before the Family Court, Madurai and got an order of divorce on 13.10.2015.

3.3.After the demise of her father, the petitioner being a B.E. Graduate submitted an application dated 19.08.2015 for employment along with necessary certificates to the respondent. She also attended the personal interview. Based on the ground that the decree for divorce has been obtained and in fact the petition for divorce itself has been filed after the death of her father, the claim for compassionate appointment has been rejected by the second respondent, vide proceedings dated 30.09.2016, on the basis of the Standing Order No.330(Administrative Branch) of the respondents, dated 02.11.1993 and the same reads as follows:

"Only the dependants viz., Wife/Husband/Son/unmarried Daughter are eligible for appointment married daughter deserted by her husband/Widowed or divorced daughter living with the family may be considered for employment assistance if the widow of the deceased employee gives her consent in writing".

Quoting the said Standing Order, the application for appointment on compassionate ground, is rejected and the rejection order is under challenge in this writ petition.

4.It is pertinent to point out that the Standing Orders of the respondents have not been amended in tune with the Judgments being passed by the Constitutional Courts of this country. Already, it has been decided in several cases including the case in **V.Shanthi v. Chariman, Tamil Nadu Electricity Board and Others** reported in **(2008)1 MLJ 598** that the married daughters are also entitled to be considered for appointment on compassionate grounds. Even, thereafter, the Rule has not been amended. Under such circumstances, the impugned letter/proceedings passed by the second respondent dated 30.09.2016 is set aside and the respondents are directed to provide appointment to the petitioner on compassionate ground, suitable to her qualifications and experience, within a period of eight weeks, from the date of receipt of a copy of this order.



5.The writ petition is allowed on the above terms. No costs.
Sd/-

Assistant Registrar(CRL)

WEB COPY/True Copy/

Sub Assistant Registrar

smn

To

- 1.The Chief Engineer (Service),
Tamil Nadu Generation and Distribution Corporation Limited,
K.R.R.Maligai, 144, Anna Salai, Chennai.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai City, Madurai - 625 007.

+1cc to Mr.Babu Rajendran, Advocate Sr.No. 67362

JAM/25.11.16/SKS-RR/3p-4c

**ORDER MADE IN
W.P(MD)No.21455 of 2016**

10.11.2016