

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10373 of 2017

A.Kalaiselvi

... Petitioner

Vs.

- 1.Tamilnadu Generation and Distribution Corporation Limited, rep.by its Chief Engineer (Personnel), No.144, Anna Salai, Chennai-600 002.
2. The Superintendent Engineer, Namakkal Electricity Distribution Circle, Tamilnadu Generation and Distribution Corporation Limited, Namakkal.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, after calling for the records pertaining to the order passed by the 2nd respondent dated 19.10.2016, in Ka.En.010825/451/Ni Pi.2/Ei Ni Vu/Ko.Va.Ve/2016, quash the same and consequently direct the respondents to provide the petitioner forthwith compassionate appointment based on and in commensurate with her educational qualification and also in commensurate with the economic conditions which she has been suffering with effect from the date of her application dated 14.02.2011, with all consequential benefits, award costs.

For Petitioner : No appearance

For Respondents: Mr.P.R.Dhilip Kumar

O R D E R

The order of rejection dated 19.10.2016 issued by the second respondent in relation to the claim of compassionate appointment of the writ petitioner, is under challenge in this writ petition.

2. The husband of the writ petitioner Late.Anbalagan, was working as a Contract Labourer in Namakkal TNEB Electricity Distribution Circle, from the year 1994. Unfortunately, the husband of the writ petitioner died in an accident on 16.12.2010, near Nallipalayam, Namakkal District, while he was in service. The deceased employee died in a road accident and accordingly, the writ petitioner made an application seeking compassionate appointment. However, the second respondent rejected the application on the ground that the deceased employee was a Contract Labourer and there are no provisions under the compassionate appointment scheme to provide employment to the legal heirs of the deceased Contract Labourer.

3. As per the terms and conditions of the compassionate appointment scheme, permanent employees alone are eligible to seek compassionate appointment and contract labourers being not regularized in a permanent vacancy, cannot claim any compassionate appointment.

4. Compassionate appointment is a scheme and not a regular recruitment process. Compassionate appointment is a concession provided to mitigate the indigent circumstances of the family of a deceased employee dying in harness. Thus, such a special scheme need not be extended to the daily wages/contract laborers working in any organizations. Furthermore, the respondents cannot enlarge the scope of the compassionate appointment, so as to defeat the method of regular recruitment process for public employment. Equal opportunity in public employment is the Constitutional mandate and therefore, the compassionate appointment is only an exception. All appointments ought to have been made for public posts only by following the recruitment Rules in force and by providing equal opportunities to all the citizens of this great nation. Thus, there is no irregularity in passing the impugned order of rejection, holding that the legal heirs of the contract labourers are not entitled for the benefit of compassionate appointment scheme.

5. Under the above circumstances, this Court is of the opinion that there is no infirmity in the order impugned in this writ petition. Accordingly, the writ petition stands dismissed. However, no order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

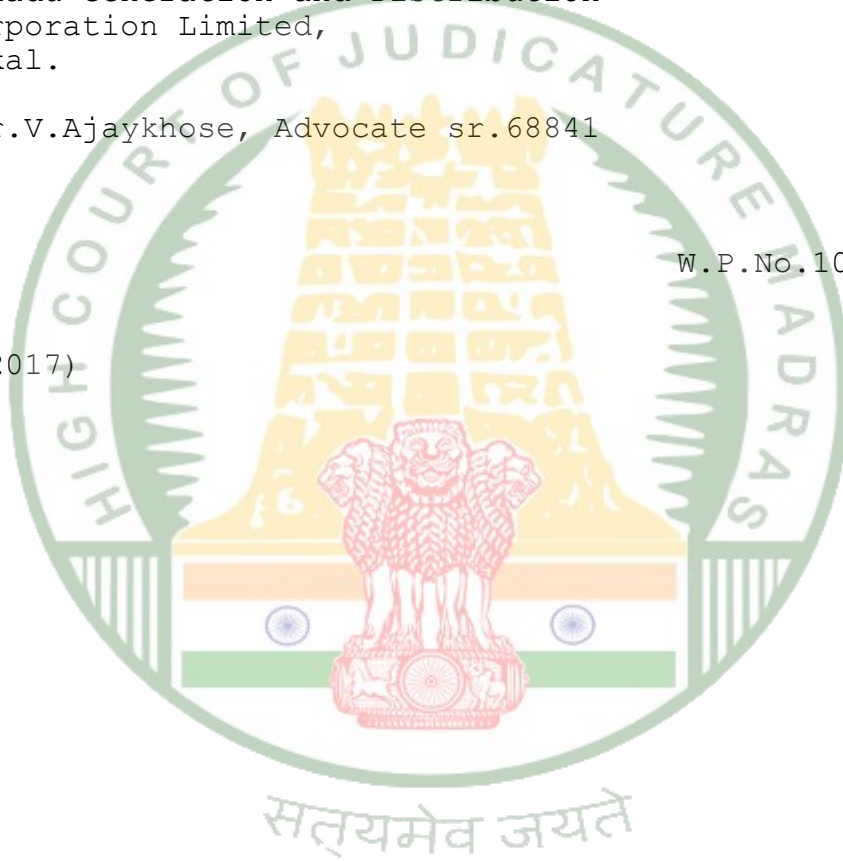
1.The Chief Engineer (Personnel),
Tamilnadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai 600 002.

2. The Superintendent Engineer,
Namakkal Electricity Distribution Circle
Tamilnadu Generation and Distribution
Corporation Limited,
Namakkal.

+1cc to Mr.V.Ajaykhose, Advocate sr.68841

W.P.No.10373 of 2017

sv(co)
ss(23/10/2017)



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