

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22146 of 2014

M.Manikandan

..Petitioner

vs

1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Cuddalore District.

2.The Chief Engineer,
Personal/Administrative Wing,
Tamil Nadu Generation and
Distribution Corporation Limited,
No.144, Annasalai,
Chennai - 02.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner on compassionate grounds as per letter issued by the 1st respondent in Ka.No.013755/266/Va.Vee/Nir.2(4)/2010, dated 01.03.2010 or any suitable post.

For Petitioner : Mr.V.Krishnamoorthy
For Respondents : Mr.M.Fakkir Mohideen

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to the 2nd respondent to appoint the petitioner on compassionate grounds as per the letter issued by the 1st respondent on 1st March 2010.

2.The learned counsel appearing for the writ petitioner made a submission that the father of the writ petitioner late P.Muthuswamy was working as contract labourer in the Tamil Nadu Electricity Board from 1980 to 2008. The father of the writ petitioner was appointed as daily wages labourer and passed away on 29.12.2008. However, the writ petitioner submitted an application seeking compassionate appointment on 25.06.2009 and the same has not been considered by the respondents. The writ petitioner has chosen to file the writ petition on 11th

August 2014 after a lapse of five years from the date of death of the deceased employee, submitted his application seeking compassionate appointment.

3.The learned counsel appearing for the respondents opposing the contentions of the writ petitioner by stating that the deceased employee was a temporary contract labourer and the scheme cannot be extended to the contract labourers, so also the scheme cannot be applied to the legal heirs of the temporary contract labourers.

4.At the outset, the application submitted by the writ petitioner seeking compassionate appointment cannot be considered by the Board in view of the fact that the father of the writ petitioner was a temporary contract labourer and not entitled to claim the benefit of the scheme of compassionate appointment.

5.This Court is of the opinion that the scheme of compassionate appointment is provided for the permanent employees of the Board and the same cannot be extended to the contract labourers/daily rate labourers. Such being the scope and terms and conditions of the scheme, the question of considering the claim of the writ petitioner for compassionate appointment cannot be entertained by this Court in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

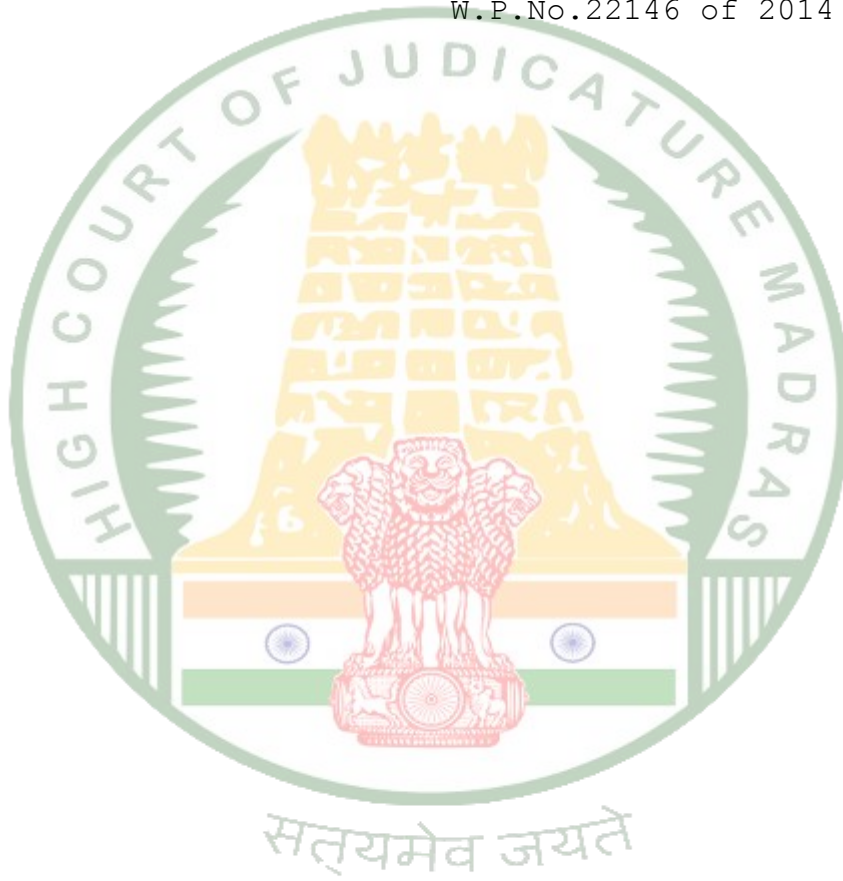
1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Cuddalore District.

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2.The Chief Engineer,
Personal/Administrative Wing,
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Distribution Corporation Limited,
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CO-NRJK
ths : 20.11.2017

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