

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13887 of 2017
& WMP.No.15065 of 2017

R.Jayanthi

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Petitioner

Vs.

1.The Chairman Cum Managing Director,
TANGEDCO, NPKRR Maaligai,
No.144, Anna Salai, Chennai - 600002.

2.The Chief Engineer,
TANGEDCO, NPKRR Maaligai,
No.144, Anna Salai, Chennai - 600002.

3.Superintending Engineer,
Purchase and Administration,
Mettur Thermal Power Station I,
Mettur Dam - 600 006.

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Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus calling for records of the 3rd respondent herein pertaining to his proceedings Lr.No.309497/131/Ni Bi.3(4)/Ko.Va.Ve/2017 dated 04.04.2017 and quash the same and consequently direct the respondents to consider the petitioner representation for compassionate appointment.

For Petitioner

: Mr.N.G.R.Prasad

For M/s.K.S.Karthik Raja

For respondents

: Mr.T.M.Pappiah,

Special Government Pleader.

ORDER

This writ petition is filed against the impugned order dated 04.04.2017 passed by the Superintending Engineer, Purchase and Administration, Mettur Thermal Power Station I, Mettur Dam - 6-third respondent herein, rejecting the request of the petitioner for giving compassionate appointment in his office, citing a reason that the petitioner was married even prior to the date of

death of her mother and that she is also living with her husband Mr.Rajamannaar, therefore, the question of compassionate appointment will not arise in her case.

2.Mr.N.G.R.Prasad, learned counsel appearing for the petitioner would submit that it is a hot case where the petitioner's mother R.Papathi while serving as S.N.Fitter for the respondents for several years died on 21.11.2015. Since the her father left the family, from the date of her father leaving the family, her mother Late R.Papathi was alone taking care of the petitioner and her children for the reason that the petitioner's husband also leaving the family, living separately and not helping the family. Therefore, the compassionate appointment should have been given to the petitioner. But, this has been wrongly rejected on the ground that the petitioner being married women. In support of his submission, he has stated that her present backward economic position has been properly highlighted by the Tahsildar by giving a certificate. Therefore, it goes without saying that the petitioner is still living separately with her children. Therefore, it is a fit case for giving direction to the respondent to consider her case for compassionate appointment by setting aside the impugned order, as she is also studying up to 12th standard. Rejecting the impugned order is highly untenable and the same shall be quashed.

3.This Court is not inclined to entertain the writ petition for three reasons. The concept for compassionate appointment available is only to deserving candidate to take care of the aggrieved family that has been left in lurch financially on account of the sudden death of the bread winner.

4.In the present case, the petitioner was married to Rajamannaar much before the death of her mother Late R.Papathi. It shows that she was settled down with her husband in a separate family. However, when her mother R.Papathi who was working under respondent as S.N.Fitter died on 21.11.2015, there is nobody in the family of R.Papathi when admittedly her husband also abandoned the said R.Papathi and the petitioner left her home long time ago. Therefore, making an application by the petitioner, who is the daughter of Late R.Papathi stating that her children should be taken care of by her as her husband also had deserted her and as a result she is living separately is wholly untenable. Since the petitioner's mother R.Papathi died on 21.11.2015, whereas the petitioner got married in February 1999 and gave birth to three children, and, her father also left the family, there was no dependent left as a legal heir by Late R.Papathi. Therefore, the question of extending the benefit of compassionate appointment to the petitioner who got married 16 years ago before the death of her mother is wholly unjustifiable. In the above circumstances, the Tahsildar has

given a certificate. Nowhere the certificate mentions that the petitioner is living separately.

5. Therefore, this Court is not able to find any merit in the writ petition. Hence, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mayagr

To

1.The Chairman Cum Managing Director,
TANGEDCO, NPKRR Maaligai,
No.144, Anna Salai, Chennai - 600002.

2.The Chief Engineer,
TANGEDCO, NPKRR Maaligai,
No.144, Anna Salai, Chennai - 600002.

3.Superintending Engineer,
Purchase and Administration,
Mettur Thermal Power Station I,
Mettur Dam - 600 006.

+1cc to Mr.K.S.Karthik Raja, Advocate sr.41927

+1cc to Government Pleader sr.42100

सत्यमेव जयते

W.P.No.13887 of 2017

sv(co)
ss(3/7/2017)

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