

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2676 of 2017

K.Jothi

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Villupuram Electricity Distribution Circle,
Villupuram.

2.The Chief Engineer (Personnel),
TANGEDCO, No.144, Anna Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the 1st respondent to consider and pass orders on the applications of the petitioner dated 28.12.2015 and to appoint the petitioner in the suitable post on compassionate ground.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.M.Fakkir Mohideen, for TNEB

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2.The petitioner would aver that her father Kaliyaperumal was working as Commercial Assistant and died in harness on 22.04.2005, leaving behind the petitioner, her mother and her two sisters, Tamil Selvi and Anandhi. It is further averred that one Sagundhala has made application claiming death cum retirement benefits, as she is the wife of Late Kaliyaperumal and in this regard, the mother of the petitioner as well as the petitioner and her sisters had filed O.S.No.58 of 2007 on the file of the District Munsif Court, Villupuram against Sagundhala, Tamil Nadu Electricity Board, Villupuram and two others praying for declaration and they are entitled to get the retirement benefits. They should be declared as the legal heirs to get the death benefits. The said suit, after contest, came to be decreed on 25.03.2011. No further challenge has been made in the form of an appeal. Subsequently, the mother of the petitioner was conferred with the pensionary benefits on 28.08.2015, vide proceedings of the Superintending

Engineer, Villupuram dated 28.08.2015 in Ni.Ku.No.045698/1006/Ni.Pi.3/C.1/Ko.O.No.Kattu/2015-8.

3.The learned counsel appearing for the petitioner would submit that the civil litigation took nearly four years to reach the final verdict and the pensionary benefit was also conferred on the mother of the petitioner on 28.08.2015, the application seeking compassionate appointment was made on 28.12.2015 and therefore, the reason for the delay cannot be put against the petitioner and prays for appropriate orders.

4.Per contra, Mr.M.Fakkir Mohideen, learned Standing Counsel, who accepts notice for the respondents 1 & 2, would submit that admittedly the father of the petitioner died on 22.04.2005 and nearly after ten years only the application seeking appointment on compassionate ground has been made and prays for further time to get necessary instructions.

5.This Court has carefully considered the rival submissions and perused the records placed before it.

6.Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 28.12.2015 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The Writ Petition is disposed of accordingly. No costs.

To

1.The Superintending Engineer,
TANGEDCO,
Villupuram Electricity Distribution Circle,
Villupuram.

2.The Chief Engineer (Personnel),
TANGEDCO, No.144, Anna Salai,
Chennai - 600 002.

+1cc to M/S.S. Doraisamy, Advocate, SR. 6901

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MSM(CO)
VR(17/02/2017)