

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28161 of 2017

T.Vijayashanthi

.. Petitioner

-vs-

1. The Chairman

TANGEDCO

144, Anna Salai

Chennai 600 002

2. The Chief Engineer/Establishment

TANGEDCO

144, Anna Salai

Chennai 600 002

3. The Superintending Engineer

TANGEDCO/EDC/Kallakurichi Circle

Kallakurichi

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in Ka.No.4392/149/Ni.Bi.2/Oo.5/Ko.Va.Ve/2016 dated 29.12.2016 on the file of the third respondent, quash the same and to direct the third respondent to reconsider the petitioner's application for compassionate ground employment (due to death of her father S.Thandapani, Wireman, died on 31.5.2011) dated 18.9.2015.

For Petitioner

::

Mr.R.Selvakumar

For Respondents

::

Mr.M.Fakkir Mohideen

ORDER

This writ petition has been filed challenging the impugned rejection order dated 29.12.2016 passed by the Superintending Engineer, TANGEDCO, Kallkurichi Electricity Distribution Circle, the third respondent herein refusing appointment on compassionate ground to the petitioner.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that the petitioner's father late S.Thandapani, who was serving as Wireman in the respondent-Department, while attending to his duties, fell down and died on the spot on 31.5.2011. Lastly he drew his salary from the Assistant Executive Engineer, Rural, Chinnasalem. As her father was the only sole breadwinner in the family consisting of her mother Mrs.Prema, the petitioner and her younger sister Amudha, from the date of death of her father, they were finding it very difficult to complete their education. However, both the petitioner and her sister got married. But that cannot be a ground for refusing the request for compassionate appointment. Adding further, the learned counsel for the petitioner submitted that on a wrong understanding of the fact that the petitioner's husband is employed as Accountant and receiving a handsome monthly salary of Rs.25,318/-, the petitioner stands disqualified, is wholly untenable, for, unless the petitioner stands on her own, she will not be able to extend any financial help to her mother.

3. But, this misconception is wrong, for the following reasons. Firstly, the concept of compassionate appointment is evolved only for the purpose of helping the genuine persons who are facing crisis due to the sudden death of the breadwinner in the family. In the present case, the petitioner's father died on 31.5.2011 leaving behind the petitioner's mother and her younger sister. Admittedly, in the present case, the petitioner's mother is also receiving monthly pension. Secondly, the petitioner is well placed with her married husband, who is also working as Accountant in the respondent Department and receiving a handsome monthly salary of Rs.25,318/-. Thirdly, the petitioner's younger sister also is married and well settled. Therefore, there is no element of indigent circumstance existing. Hence, this Court is not able to find any merit in the writ petition. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.30296 of 2017 is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Chairman
TANGEDCO
144, Anna Salai
Chennai 600 002
2. The Chief Engineer/Establishment
TANGEDCO
144, Anna Salai
Chennai 600 002
3. The Superintending Engineer
TANGEDCO/EDC/Kallakurichi Circle
Kallakurichi

+1cc to Mr.R.Selvakumar Advocate, S.R.No. 78030

+1cc to Mr.M.Fakkir Mohideen Advocate, S.R.No. 78702

W.P.No.28161 of 2017

TR(20/11/2017)



WEB COPY