

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.37158 of 2015

A.Suresh

[PETITIONER]

Vs

- 1 The Chairman
TANGEDCO
NO.144 Anna Salai
Chennai - 600 002
- 2 The Chief Engineer-Personal
TANGEDCO
NO.144 Anna Salai
Chennai - 600 002
- 3 The Superintending Engineer
TANGEDCO
Thiruvannamalai Distribution Circle
Thiruvannamalai - 606 604
- 4 The Junior Engineer Operation and Maintenance/Town
TANGEDCO, Chetpet,
Thiruvannamalai - 606 601

[RESPONDENTS]

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of certiorarified Mandamus, to call far records pertaining to the impugned order dated 11.03.2013 Letter No.20290/S.E./NePe.2/Ou.3/ Ko.Vaa.Ve/Thani/2013 passed by the 3rd Respondent and quash the same and consequently direct the Respondents to provide compassionate appointment to the Petitioner within such time as may be stipulated by this Honourable Court.

For Petitioner : No appearance

For Respondents : Mr.R.Varalakshmi R1 to R4

O R D E R

The petitioner has come forward with this Writ Petition to quash the order passed by the third respondent dated 11.03.2013 and consequently direct the Respondents to provide compassionate appointment to the Petitioner within such time as may be stipulated by this Honourable Court.

2.The father of the writ petitioner was appointed as Contract Labourer in the respondent Board and died on 18.06.2012, while in service.

3.The learned counsel for the respondents states that the deceased employee was working only as a Contract Labourer and his services were not regularised in the permanent post nor he was in permanently absorbed under the service of the Board. Thus, the question of considering the legal heirs of the deceased employee for appointment on compassionate ground, is not within the Scheme itself. In such circumstances, the order of rejection dated 11.03.2013, is in order and in accordance with the Scheme of Compassionate Appointment.

***4.The temporary/contract employees are not eligible for seeking compassionate appointment under the Scheme and the said Scheme is applicable only to the permanent employees working under the Board. This being the limited scope of the Scheme, the order of rejection passed by the third respondent is in order and there is no infirmity.**

5.In this view of the matter, the impugned order passed by the third respondent is well within the parameters of the law laid down in respect of the appointment on compassionate grounds and no further adjudication is required to be undertaken on the facts of this case and accordingly the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Asst.Registrar (J)

28/09/2017

Corrected order to be issued

Sd/-

**Sub Assistant Registrar
18/09/2018**

/true copy/

Sub Asst. Registrar

To

1 The Chairman
TANGEDCO
NO.144 Anna Salai
Chennai - 600 002

To be Substituted to
the order already
despatched on 07/11/2017

2 The Chief Engineer-Personal
TANGEDCO
NO.144 Anna Salai
Chennai - 600 002

3 The Superintending Engineer
TANGEDCO
Thiruvannamalai Distribution Circle
Thiruvannamalai - 606 604

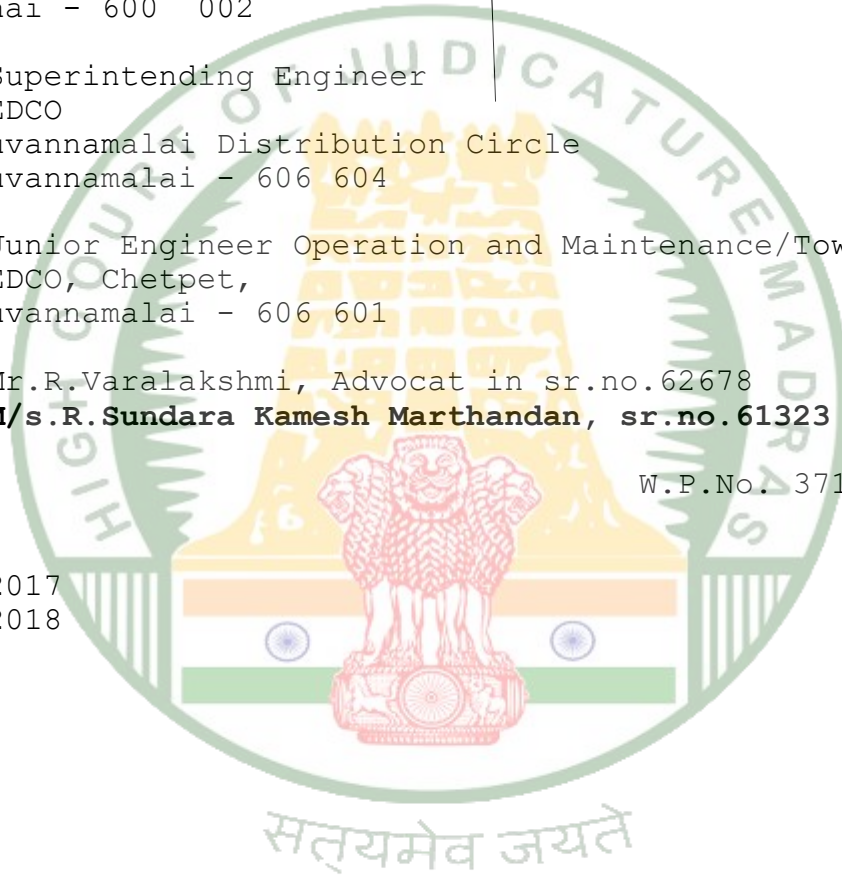
4 The Junior Engineer Operation and Maintenance/Town
TANGEDCO, Chetpet,
Thiruvannamalai - 606 601

+1cc to Mr.R.Varalakshmi, Advocat in sr.no.62678

***+1cc to M/s.R.Sundara Kamesh Marthandan, sr.no.61323**

W.P.No. 37158 of 2015

KS (CO)
NR 04/10/2017
nr 19/09/2018



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