

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34083 of 2013

And

M.P.No.1 of 2013

B.Murugan

.. Petitioner

-vs-

1.The Tamil Nadu Electricity Generation and Distribution Corporation Ltd.,
Represented by the Chairman,
No.144, Annasalai,
Chennai-2.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation and Distribution Corporation Ltd.,
No.144, Annasalai,
Chennai-2.

3.The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution Corporation Ltd.,
Cuddalore Distribution Circle,
Capper Hills,
Cuddalore-4.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his proceedings in Letter No.008550/Me Po/TNEB/Cud/Adm2/U4/Ko Va Ve/2013, dated 23.8.2013 and quash the same and thereby direct the respondents to appoint the petitioner in a suitable post in the first respondent-Corporation on compassionate grounds.

For Petitioner - Mr.N.Suresh

For Respondents - Mr.M.Fakkir Mohideen

ORDER

The order of rejection issued by the third respondent in proceedings dated 23.8.2013 in respect of the claim of the writ petitioner for compassionate appointment, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the mother of the writ petitioner was employed as Part-Time Conservancy Worker in the first respondent-Corporation and passed away on 6.1.2012, while she was in service. The writ petitioner had submitted her representation on 9.11.2012, seeking compassionate appointment. The third respondent rejected the application in proceedings dated 23.8.2013, stating that the deceased employee was working as Part-Time Conservancy Worker and therefore, the writ petitioner is not eligible for compassionate appointment as per the terms and conditions of the scheme.

3. Seeking a compassionate appointment is a concession provided to the legal heirs of the permanent employees. The scheme of compassionate appointment, cannot be extended by the Courts, so as to provide appointment to the Part-Time Conservancy Workers. When the terms and conditions of the scheme prohibits to consider the cases of the legal heirs of the Part-Time Conservancy Workers, the Court cannot extend or enlarge the scope of the scheme, in view of the fact that the scheme is an exception. Thus, this Court is not inclined to consider the claim of the writ petitioner.

4. The learned counsel, appearing on behalf of the respondents, states that the mother of the writ petitioner was a Part-Time Conservancy Worker and therefore, they have rejected the claim in accordance with the terms and conditions of the scheme. Under these circumstances, this Court is not inclined to consider the case of the writ petitioner and there is no infirmity in respect of the order impugned in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

svn

To

1.The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
No.144, Annasalai,
Chennai-2.

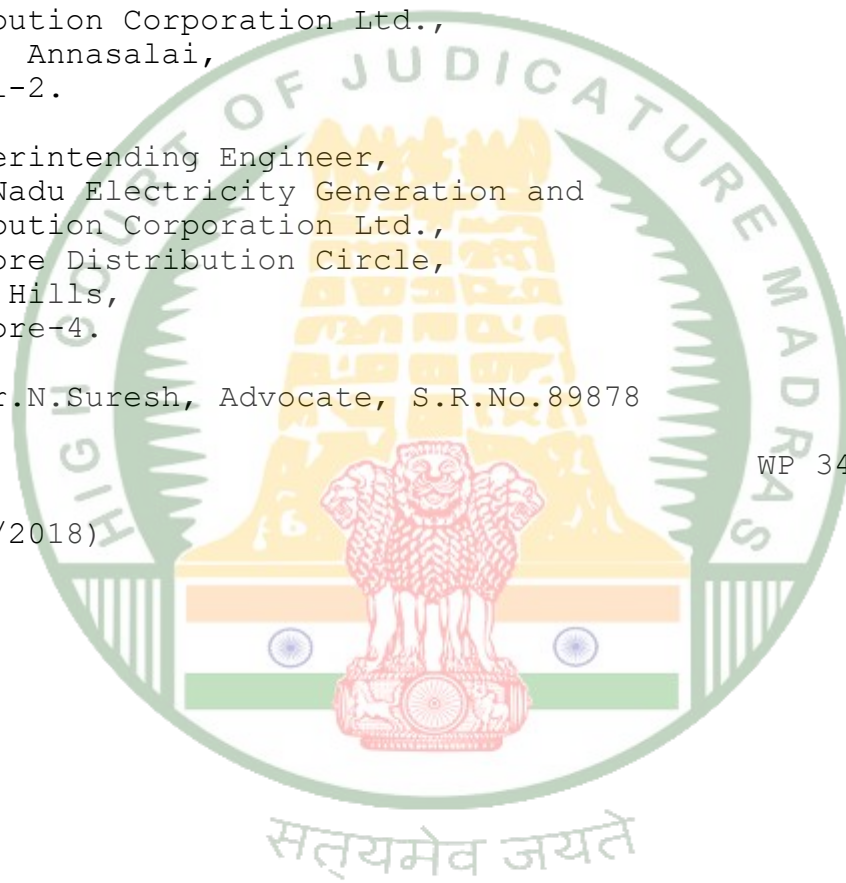
2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
No.144, Annasalai,
Chennai-2.

3.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Cuddalore Distribution Circle,
Capper Hills,
Cuddalore-4.

+1cc to Mr.N.Suresh, Advocate, S.R.No.89878

WP 34083 of 2013

RRK(05/01/2018)



WEB COPY