

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No. 18223 of 2012

N.Lalitha

.... Petitioner

Vs.

1. The Chairman
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002.
 2. The Chief Engineer (Personnel
Tamil Nadu Generation and Distribution
Corporation,
(previously known as Tamil Nadu Electricity Board),
No.144, Anna Salai,
Chennai-600 002.
 3. The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution Corporation,
(Previously known as Tamilnadu Electricity Board)
Villupuram Electricity Distribution Circle,
Villupuram.
- Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to appoint the petitioner's elder daughter N.Ananthi on compassionate ground to any eligible post in the Tamil Nadu Generation and Distribution Corporation, by considering her representation dated 01.10.2011 and pass orders.

For Petitioner : Mr.G.ananda kumar

For Respondents : Mr.M. Fakkir Mohideen

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to appoint the elder daughter of the petitioner Smt.N.Ananthi on compassionate ground.

2. The wife of the deceased employee filed this writ petition stating that her husband late Mr.Nagarajan was employed as contract labourer in the office of the Assistant Engineer, Operation and maintenance. The husband of the writ petitioner passed away on 30.08.2000, while he was in service.

3. The application seeking compassionate appointment was preferred by the writ petitioner seeking employment to her elder daughter. However, the respondent/Board has not considered the application and in fact no rejection order has been passed. The fact remains that the deceased employee was continuing as Contract Labourer and he was not permanently absorbed in the services of the Board.

4. The scheme of compassionate appointment is not applicable to contract labourers and therefore, the very application seeking compassionate appointment is unsustainable and not covered under the scheme of compassionate appointment.

5. This apart now after a lapse of 17 years, the question of entertaining this writ petition does not arise at all. The fact remains that the deceased employee died on 30.08.2000 and the application seeking direction was filed only in July 2012, after a lapse of 12 years from the date of death of the deceased employee.

6. Thus, this Court is not inclined to adjudicate the writ petition on merits, in view of the fact that the deceased employee was continuing as contract labourer at the time of death.

7. Accordingly, the writ petition is devoid on merits and stands dismissed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Chairman
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002.

2. The Chief Engineer (Personnel
Tamil Nadu Generation and Distribution
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(previously known as Tamil Nadu Electricity Board),
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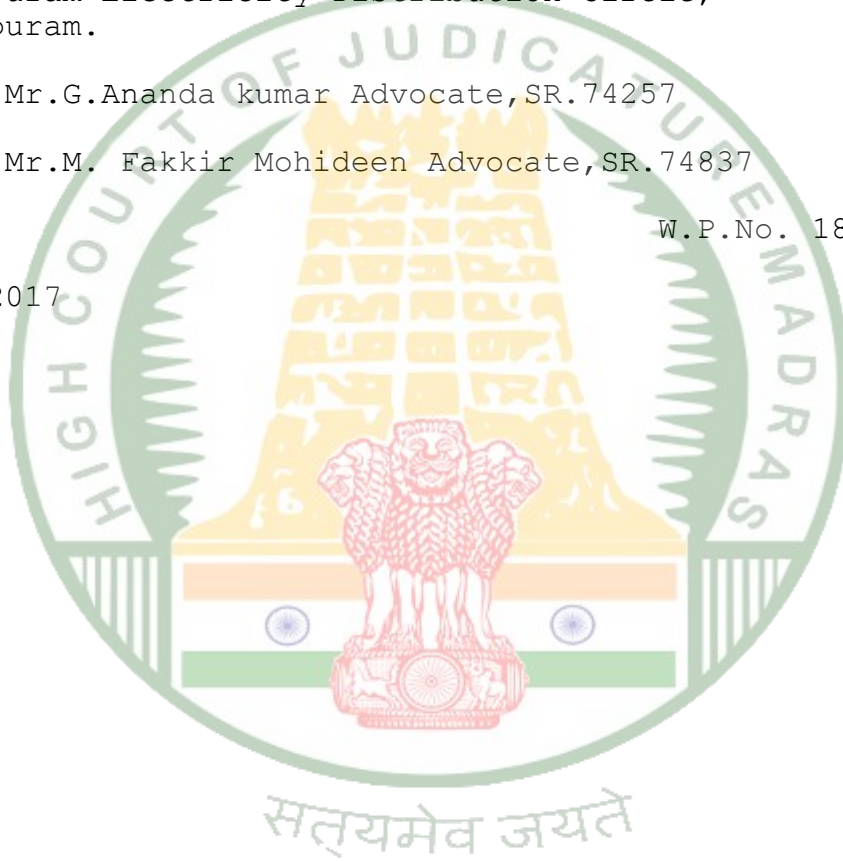
3. The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution Corporation,
(Previously known as Tamilnadu Electricity Board)
Villupuram Electricity Distribution Circle,
Villupuram.

+ 1 cc to Mr.G.Ananda kumar Advocate,SR.74257

+ 1 cc to Mr.M. Fakkir Mohideen Advocate,SR.74837

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NR 08/11/2017



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