



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.5225 of 2014

Kodeeswari

...Petitioner

Vs.

Tamil Nadu Generation & Distribution Corporation
Represented by its Superintending Engineer,
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai-625 007.

...Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order letter No.உநி.அ/நிப.2 உத.3/கோ.வாவை /ப எண்.281/2007 dated 24.07.2007 and quash the same and consequently direct the respondent to appoint the petitioner on compassionate ground.

For Petitioner : Mr.T.Antony Arulraj
For Respondent : Mr.S.Dhayalan
Standing counsel for TNEB

O R D E R

The petitioner has filed this Writ Petition seeking to writ of certiorarified Mandamus, to quash the impugned order letter No.உநி.அ/நிப.2 உத.3/கோ.வாவை /ப எண்.281/2007 dated 24.07.2007 and consequently direct the respondent to appoint the petitioner on compassionate ground.

2.The learned counsel for the petitioner submitted that petitioner's father was working in Tamil Nadu Generation & Distribution Corporation, as line Inspector and he died on 22.12.1997. At that time of death of her father, the petitioner was minor and her mother is an illiterate and her brothers were also minors and her elder brother was a mentally challenged person. After the demise of the father of the petitioner, her mother submitted an application on 10.07.2007 to the respondent, seeking compassionate appointment for the petitioner and the same was rejected by the respondent on the ground that the application has not been submitted within three years from the date of death of the petitioner's father. The learned counsel for the petitioner further submitted that the applicant should have completed 18 years of age and minimum required qualification should be 8th standard for any



appointment. When her father died, the petitioner was aged about 12 years and hence, she was not able to apply by sending an application for compassionate appointment and after she attained majority, her mother submitted an application on 10.07.2007 to the respondent, seeking compassionate appointment for the petitioner. The respondent, by passing the impugned order dated 24.07.2007 rejected the claim of the petitioner stating that the same has not been filed within a period of three years. Against which, the petitioner has filed this writ petition for the aforesaid relief.

3.As per the guidelines of the respondent, an application for appointment on compassionate ground should be filed within a period of three years from the date of death of her father. However, it has not been done so as the petitioner was minor at that point of time and the mother was illiterate. From the proceedings of Chief Engineer in letter No.028610/G9/G91/2011-2, dated 01.11.2011, it is pointed out that General instructions has been issued regarding consideration of application on compassionate grounds, which were rejected for not attaining 18 years. The petitioner has attained majority only after the cut off date 23.08.2005. Hence, she is entitled to be considered for the said post. Hence, the application of the petitioner can be considered for compassionate appointment by the respondents.

4.Accordingly, the impugned order dated 24.07.2007 is set aside and the writ petition is disposed of directing the respondent to consider the application of the petitioner for appointment on compassionate ground on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To
Tamil Nadu Generation & Distribution Corporation
Represented by its Superintending Engineer,
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai-625 007.

+1CC TO M/S.T.ANTONY ARUL RAJ, ADVOCATE, SR NO.91215

W.P. (MD) No.5225 of 2014
05.12.2017

das/smi

MS/SKN-RSK/SAR-1/12.04.2018/2P.3C