



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.18516 of 2016

L.John Peter

...Petitioner

Vs.

1.The Chairman,
TANGEDCO,
Chennai.

2.The Superintending Engineer,
TANGEDCO Trichy Electricity Distribution Circle,
Perunagaram,
Trichy-20

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the impugned order passed by the second respondent in Letter No. 093/NiPi 1/ENiU/Ko. Va. Ve/ 2016 dated 21.05.2016 in rejecting the application for compassionate appointment and quash the same as illegal and direct the first respondent to provide compassionate appointment to the petitioner in any of the available post in the Respondent Department as suitable as per the qualification of the petitioner.

For Petitioner : Mr.D.Selvaraj

For Respondents : Mr.M.Balasubramanian

Standing Counsel for TNEB

O R D E R

This Writ petition is filed to issue a Writ of Certiorarified Mandamus, Calling for the impugned order passed by the second respondent in Letter No 093/NiPi 1/ENiU/Ko. Va. Ve/ 2016 dated 21.05.2016 in rejecting the application for compassionate appointment and to quash the same as illegal and direct the first respondent to provide compassionate appointment to the petitioner in any of the available post in the Respondent Department as suitable as per the qualification of the petitioner.



2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The brief facts that are necessary for the disposal of the writ petition are follows:

3.1. The petitioner's father, A. Lourdasamy was working under the respondents as Electricity Line Inspector. He died on 09.04.2012 leaving behind his first wife and children. It appears that the deceased person married second wife. However the first marriage was with the petitioner's mother. The deceased appeared to have contracted second marriage with one Sampooram. Immediately after the death of deceased, the petitioner's son filed an application seeking compassionate appointment. However the said application was rejected by the respondents only on the ground that the deceased has second wife and the petitioner's application for the compassionate appointment can be considered only after getting consent or No Objection Certificate from the second wife of the deceased.

3.2. The fact that the petitioner's mother is alive and that the second marriage of the deceased was during the subsistence of the first marriage is not in dispute. In such circumstances, the second wife has no right and she cannot claim to be the legal heir of the deceased. In such circumstances, the impugned order rejecting the application of the petitioner for non production of No Objection Certificate from the second wife and the children born through the second wife is not sustainable. Hence, the impugned order dated 21.05.2016 is set aside and a direction is issued to the second respondent to consider the petitioner's representation / application for compassionate appointment on merits and in accordance with law, at any event within a period of eight weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman,

<https://hcservices.mca.gov.in/hcservices/>
TANJAVUR, Chennai.



2.The Superintending Engineer,
TANGEDCO Trichy Electricity Distribution Circle,
Perunagaram, Trichy-20.

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+1 CC TO MR.D.SELVARAJ,ADVOCATE,SR NO.18881

SM/CP

MAS/SKN-RSK/SAR4:11.04.2017:3P-4C

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03.04.2017