

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.10.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7645 of 2015

G.Divyabharathi

... Petitioner

Vs

1.Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

2.Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

3.Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Thiruppur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 10.12.2014 to treat the petitioner's father as a permanent employee and further, to provide compassionate appointment to the petitioner, consequent to the death of petitioner's father who died in harness on 16.08.2012.

For Petitioners : Mr.R.Pandian

For Respondents : Mr.P.R.Dhilip Kumar, Standing Counsel
for EB

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to consider the representation submitted by the writ petitioner on 10.12.2014, to treat the petitioner's father as a permanent employee and further to provide compassionate appointment.

2. The writ petitioner states that his father joined the respondent Organization on 25.06.1994, as a temporary employee and while hanging on the transformer to attend some fault, due to electrocution, the father of the writ petitioner passed away on the spot on 16.08.2012. On account of death of the deceased employee, the family of the writ petitioner was in penurious circumstances and she made an application seeking compassionate appointment on attaining the age of 18 years on 16.05.2013. It is contended that the application submitted was within three years from the date of death of the deceased employee. Thus, the case of the writ petitioner ought to have been considered.

3. The learned counsel appearing for the respondents referring the letter dated 20.08.2013 issued by the Superintendent Engineer and states

that the father of the writ petitioner was not a permanent employee of the Board. He was working as a contract labourer and therefore, the scheme of compassionate appointment cannot be extended to the legal heirs of the contract labourers. In the event of claiming compensation, it would be paid in accordance with the Board Standing orders. The scheme of compassionate appointment cannot be extended, in view of the fact that the deceased employee was a contract labourer and therefore, the case of the writ petitioner cannot be considered favorably.

4. This Court is of an opinion that a special scheme of compassionate appointment is applicable only in respect of the legal heirs of the permanent employee of the Board and the same cannot be extended to the legal heirs of the contract labourers. Very purpose of scheme to provide appointment on compassionate ground is to mitigate the penurious circumstances arising on account of the sudden demise of the Government employee. Thus, the scheme is to be extended in favour of the legal heirs of the permanent employee of the Board and the writ petitioner has not established any valid grounds for the purpose of considering the relief as such sought for in the present writ petition.

S.M.SUBRAMANIAM, J.

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5. With the above observations, the writ petition stands dismissed.

However, there shall be no order as to costs.

11.10.2018

sk

Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

To

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