

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.10.2018

CORAM

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

W.P.No. 25311 of 2017

M.Tamilarasan

.. Petitioner

Vs

- 1.The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd. (formerly known as
Tamil nadu Electricity Board),
Krishnagiri.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd. (formerly known as
Tamil Nadu Electricity Board),
144, Anna Salai, Chennai - 600 002.
- 3.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd. (formerly known as
Tamil Nadu Electricity Board),
144, Anna Salai, Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent in Letter No.002873/425/Nei.Pil/U1/Ko.Pa.Ne.Pa./2016 dated 27.08.2016 rejecting compassionate appointment to the petitioner and quash the same and consequently direct the Respondents to provide compassionate appointment to the Petitioner.

For Petitioner : Mr.M.Muthupandian

For Respondents : Mr.M.Fakkirmohideen

O R D E R

The relief sought for in the present writ petition is to call for the records in relation to the impugned order, dated 27.08.2016 rejecting the claim of the writ petitioner for Compassionate Appointment.

2. The learned counsel appearing on behalf of the writ petitioner, made a submission that the mother of the writ petitioner Smt R. Rani was employed as part-time Conservancy worker with effect from 01.03.1992 and she was granted the time scale of pay. However, the mother of the writ petitioner passed away on 02.07.2015. On account of the sudden demise of the deceased employee, the family was in penurious circumstances and the writ petitioner submitted an application seeking appointment on compassionate ground on 03.06.2016. The said application was rejected by the respondent on 27.08.2016 on the ground that the deceased employee was a part-time employee and the scheme of the compassionate appointment is inapplicable in respect of such temporary and part time employees.

3. The learned counsel for the petitioner urged this Court by stating that though the deceased employee was a part time employee, the special time scale of pay was granted to the deceased employee. Thus, she is eligible for compassionate appointment.

4. Such an argument cannot be accepted, in view of the fact that the special scheme for compassionate appointment is provided only for the permanent employees of the respondent board. The special schemes like compassionate appointment cannot be extended or widened, so as to cover the casual labourers, temporary employees or part time employees. In such an event, it will become a main source of recruitment which is certainly unconstitutional.

5. In the event of extending the scope of the compassionate appointment or appointing large number of candidates on compassionate ground, the equal opportunity of public employment enshrined under the Constitution will be defeated. Thus, the scheme has got a specific purpose and object and therefore, the authorities while considering the compassionate appointment is bound to consider strictly in accordance with the terms and conditions of the board proceedings in this regard. In view of the fact that the deceased employee was a part time employee and not brought under the regular establishment nor her services were regularized.

6. This Court is not inclined to consider the case of the writ petitioner for compassionate appointment and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,
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+1cc to Mr.M.Muthupandian, Advocate, S.R.No.70812

+1cc to Mr.M.Fakkir Mohideen, Advocate, S.R.No.70510

सत्यमेव जयते

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VGI (CO)
GSP(14/11/2018)

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