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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 19.09.2018
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P(MD)No.4056 of 2014

A.Flourida .. Petitioner

Vs

The General Manager,
Human Resources Management,
Bharat Heavy Electricals Limited,
Trichy – 620 014. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation, dated 16.11.2010 and to provide suitable appointment to the Petitioner in the respondent Organization on compassionate grounds within the time stipulated by this Court.

For Petitioner : No appearance
For Respondent : Mr.A.V.Arun

ORDER

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation, dated 16.11.2010 and to provide suitable appointment to the Petitioner in the respondent/ Organization on compassionate grounds within the time stipulated by this Court.

2.There is no representation for the Petitioner. For the death of his father in the year 2005, the petitioner has filed the present Writ Petition seeking compassionate appointment. Compassionate appointment is not a matter of right and it is based on the guidelines /rules / regulations issued by the respective departments/Government/Industry.

3.The learned counsel for the respondent would submit that BHEL has got a recruitment policy and with regard to compassionate appointment clause 6.2 deals with certain guidelines, which reads as follows:

6.2.Dependents of deceased employees

General guidelines to be followed for direct employment on compassionate grounds are as under:

https://hcservices.ecourts.gov.in/hcservices/

*1.**Employee dying due to accident '' during the course of '' and ''arising out of employment''** – In*

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such eventualities, existing practice of consideration on case to case basis for sanction of vacancy (USW/SSW/Artisan or Clerk) will continue keeping in view that none of the children or the spouse of such employees is already employed in Government/Semi Government/Autonomous Body/PSU/Organizations listed on Stock Exchange. Such appointment will, however, be subject to assessment of suitability.

2.In other cases of death

1)In other cases, whenever Units are sanctioned vacancies of USW/SSW/Artisans and Clerk, upto 25% vacancies may be earmarked for being filled up from dependants of deceased employees(Spouse/son/Unmarried daughter) subject to their meeting the job specifications and consideration for suitability. If number of vacancies sanctioned are so low that it is difficult to adopt above criteria for reserving vacancies, decision in this regard may be taken by the Unit In charge. In addition this consideration is available provided none of the children or the spouse of such employees is already employed in Government/Semi Government/Autonomous Body/PSU/Organizations listed on Stock Exchange.

ii)Age relaxation may be allowed as under:

a) Employ ees dying due to accident ''during the course of and 'arising out of employment'' on merits of each case.

b)In other cases -Age relation upto a maximum of five years.

iii)The reservation for various categories like SC/.ST/OBC etc., may be worked out for the total number of vacancies sanctioned and accordingly filled up. However, it should be an endeavour to fill up vacancies kept reserved for dependants of deceased employees to the extent possible from such candidates on pro-rata basis.

Iv)A separate written test may be conducted for dependants of deceased employees in case written examination is being conducted for remaining vacancies also.

v)A separate panel may be prepared for dependants of deceased employees.

4.I am of the view that as the Petitioner has not fulfilled the above criteria, the case of the Petitioner has not been considered. Unless the Petitioner fulfils the guidelines, the case

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of the Petitioner cannot be considered. Hence the relief sought for by the Petitioner cannot be granted.

5.Accordingly, the Writ Petition stands dismissed. No costs.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The General Manager,
Human Resources Management,
Bharat Heavy Electricals Limited,
Trichy – 620 014.

vsn
MK/KK/PM/SAR 3/28.12.2018/3P/2C

ORDER MADE IN
W.P(MD)NO.4056 of 2014
19.09.2018

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