



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.17611 of 2013

P.Selvi

... Petitioner

Vs.

1. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation & Distribution
Corporation Co.,Ltd.,
Dindigul - 3.

2. The Chief Engineer (Personnel)
Tamil Nadu Generation & Distribution
Corporation Co.,Ltd.,
144, Anna Salai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent Ref.Lr.No. 12255/618/Ni.P1.2/Ni.OU1/F.Va.Ve/2013 dated 08.07.2013 to quash the same and consequently direct the respondents to provide compassionate appointment to the petitioner.

For Petitioner : Mr.R.Thangasamy
For R1 : Mr.R.Sethuraman
Special Government Pleader

ORDER

The order of rejection dated 08.07.2013 in relation to the claim of the writ petitioner for compassionate appointment is under challenge in this writ petition.

2.The father of the writ petitioner late Shri.P.Perumal was employed as Mazdoor in the office of the first respondent and passed away on 21.08.2012. The application seeking compassionate appointment was preferred on 13.05.2013 and the same was rejected by the first respondent in proceedings dated 08.07.2013 stating that the writ petitioner is a married daughter of the deceased employee and therefore, her case cannot be considered for compassionate appointment. The respondents also states that as per the scheme of compassionate appointment, married daughter is not eligible for compassionate appointment. The writ petitioner had submitted an



application seeking compassionate appointment on 13.05.2013 and the same was rejected on this grounds.

3.This Court is of an opinion that the terms of compassionate appointment in respect of the married daughter of the deceased employee should be modified by the Government by stating that there cannot be any gender discrimination in respect of providing compassionate appointment between the married sons and the married daughters. When the Government provides appointment on compassionate grounds to the married sons then the same benefit to be extended to the married daughters also. The Government also issued an order in this regard and the respondents being a corporation owned by the State has to follow the same principles. Even, otherwise also when the scheme of compassionate appointment is extended to the married sons of the deceased employee, the gender discrimination caused to the married daughters is in violation of Article 14 and 16 of the Constitution of India.

4.This being the factum of the case, this Court is of an opinion that the case of the writ petitioner deserves to be considered and it is a fit case for remittance.

5.Accordingly, the order impugned passed by the first respondent in Ref.Lr.No. 12255/618/Ni.P1.2/Ni.OU1/F.Va.Ve/2013 dated 08.07.2013, is quashed and the matter is remitted back to the respondents for the purpose of re-consideration in the light of the resent Government Orders take a decision and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petitioner stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation & Distribution Corporation Co.,Ltd.,
Dindigul - 3.

+ 1 CC TO Mr.R.THANGASAMY, ADVOCATE IN SR No. 50966
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51604

MM

TE/KKR/SAR-1 : 23/03/2018 : 2P/4C

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