

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.02.2019

CORAM

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

W.P.No.5423 of 2019

R.Mohan

..Petitioner

vs

1.The Chief Engineer  
TANGEDCO (TNEB)  
No.144, Anna Salai  
Chennai.

2.The Superintending Engineer  
TANGEDCO,  
Kallakurichi.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling the records of the 2nd respondent vide proceedings Ka.No.003/002/NiPi.2/U.5/Ko.Va.Vee/2018 dated 31.2.2018 and quash the same as illegal arbitrary and non est in law and also direct the 2nd respondent to reconsider his application dated 02.1.2018 for compassionate appointment.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.M.Fakkir Mohideen  
Standing counsel  
for Tamil Nadu Electricity Board

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection dated 31.02.2018, rejecting the claim of the writ petitioner to consider the application submitted by him seeking compassionate appointment.

2.Admittedly, the deceased employee, who is the father of the writ petitioner namely Late.Sri.Rajendran, served as Foreman and died on 03.08.2016, while he was in service. It is also admitted that two surviving wives are there for the deceased employee. Certain disputes in respect of legal heirship is prevailing. Under these circumstances, the competent authorities

have not entertained the application seeking compassionate appointment by stating that the disputes regarding the legal heirship is to be settled for the purpose of considering the application submitted, seeking compassionate appointment.

3.The reasons furnished in the impugned order is certainly candid and convincing and there is no infirmity as such. In the event of any dispute regarding the legal heirship, the authorities competent may not be in a position to consider the application, seeking compassionate appointment. Only after the finalization of the legal heirship of the deceased employee, then alone, the application for compassionate appointment can be considered with reference to the terms and conditions of the scheme. In view of the fact that the deceased employee has two wives and the legal heirs are disputing their rights. The said disputes are to be resolved and only after the conclusion of such disputes and finalization of the legal heirship, then the eligible person can approach the authorities by way of an application. If such application seeking compassionate appointment is in order and in accordance with the terms and conditions of the scheme, then it must be considered. Thus, this Court do not find any infirmity in respect of the reasons cited in the impugned order.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kak

To

1. The Chief Engineer  
TANGEDCO (TNEB)  
No.144, Anna Salai  
Chennai.

2. The Superintending Engineer  
TANGEDCO,  
Kallakurichi.

+1 cc to Mr.M.Fakkir Mohideen, Advocate, S.R.No.18165

W.P.No.5423 of 2019

KAN(CO)  
SSM(22/03/2019) .