

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3864 of 2019

R.Manikandan

.. Appellant

-vs-

- 1.Tamil Nadu Generation and Distribution Corporation Ltd.,
Rep. by its Managing Director,
144, Anna Salai, Chennai.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai.
- 3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Salem Electricity Distribution Circle,
Salem-14.
- 4.The Executive Engineer/Public Information Officer, Tamil Nadu Generation and Distribution Corporation Ltd., Salem Electricity Distribution Circle, Salem-14.

Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 09.04.2019 in W.P.No.26861 of 2018 on the file of this Court.

PRAYER IN WP.NO.26861 OF 2018: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the orders dated 17.02.2010,05.03.2010 and 30.07.2018 passed by

the respondents 2,3, and 4 respectively in letter No.112165/658/G64/G642/2010-I, in letter No.001592/048/Ni.Pi-2/U2/Ko.Vaa.Ve.2010 and in letter No.702/Ni.Pi-II/U.Tha.2/Ko.Tha.A.U.Sa/2018 quash the same and consequently direct the respondents to provide the petitioner forthwith appointment on compassionate ground and also to pay their lump sum compensation payable for the death of his father due to the accident which arose during the course of and arising out of his employment.

For Appellant : Mr.V.Ajoy Khose

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant and perused the impugned judgment. The Claim is of compassionate appointment after the death of an employee who had been engaged on contract basis.

2.Having gone through the impugned judgment and also the facts of the present case, we find that the conclusion drawn by the learned Single Judge does not suffer from any legal infirmity, but, at the same time, it is urged by learned counsel for the appellant that employers themselves have, in one particular case, keeping in view the exceptional circumstances of an accident having occurred, engaged such a dependent after the death of the employee. This may not necessarily form the basis of any substantive right being claimed by the appellant for the purpose of compassionate appointment on the illustration of a stray example, which may have been undertaken by the respondents not as a matter of rule, but as a matter of exception.

We, therefore, leave it open to the respondents to consider the claim of the appellant, without interfering with the impugned judgment. The Writ Appeal is, accordingly, consigned to records. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai.
 - 2.The Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai.
 - 3.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Salem Electricity Distribution Circle,
Salem-14.
 - 4.The Executive Engineer/Public
Information Officer, Tamil Nadu
Generation and Distribution Corporation
Ltd., Salem Electricity Distribution
Circle, Salem-14.
- +1cc to Mr.V.Ajoy Khose, Advocate sr.101830

W.A.No.3864 of 2019

rr(co)
nr 09/01/2020

सत्यमेव जयते

WEB COPY