

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.28232 OF 2019

A.Karthikeyan

..Petitioner

Vs

1. The Chairman
Tamil Nadu Electricity Board
800, Anna Salai, Chennai 600 002.
2. The Chief Engineer
Tamil Nadu Electricity Board
Personnel and Administration
800, Anna Salai, Chennai 600 002.
3. The Addl. Chief Engineer
Tamil Nadu Electricity Board
Salem Electricity Distribution Circle
Udayarpatti, Salem - 14
4. The Superintending Engineer
Tamil Nadu Electricity Board
Udayarpatti, Salem - 14
Salem.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, calling for the records of 3rd respondent and quash the order in reference No. க.எண்.கூ.த.பொ./சே.மி.ப.வ/சே/நி.ப.இ/உதவி2/கோ.வா.வே எண் 2012, நாள். 31.08.2012 and to issue a direction directing the 1st respondent to appoint me in any suitable post on the compassionate ground.

For Petitioners : M/s.Tamil Mani

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records of 3rd respondent and quash the order in reference No.

க.எண்.கூ.த.பொ./சே.மிப.வ/சே/நிபII/உதவி2/கோ.வா.வே எண் 2012, நாள். 31.08.2012 and to issue a direction directing the 1st respondent to appoint him any suitable post on the compassionate ground.

2. The case of the petitioner is that his father deceased K.Alamuthu was working in the respondent Board as Contract Labour from March 1994 to 02.02.2008 and thereafter, on 04.02.2008 the said K.Alamuthu has been allotted compensatory pension scheme in CPS No.40572CK. Subsequently the petitioner's father reappointed as Temporary Casual Labour in the respondent Board from 25.06.2009 and till his death on 21.11.2009. Further, the petitioner submits that his father late K.Alamuthu was continuously working in the respondent board from 02.02.2008 till 21.11.2009 and he is entitled to become a permanent staff according to The Tamil Nadu Industrial Establishment (Conferment of Permanent Status of Workmen) Act 1981. As per Section 3(1) of the said Act, if a temporary casual labour has been working continuously 480 days out of 24 months of service, he shall be treated as permanent employee of the concerned department. In the present case, the petitioner's father died while he was actively working in the respondent board by falling down while cutting a tree which obstructs the service line of the electricity. Now the petitioner claims a job on compassionate ground since the only earning member of his family i.e. his father K.Alamuthu died while he was in service and the petitioner's family is now suffering financially from 2008 to till date. The petitioner made a representation to the respondents dated 09.08.2010 seeking a suitable job on compassionate ground and also to the Chief Minister of Tamil Nadu. All have ended in vain and the genuine request of the petitioner was rejected and hence this writ petition.

3. The learned counsel appearing for the respondent Board would submit that only the legal heir of the deceased employee, who worked on permanent status, is alone eligible for compassionate ground appointment and as the petitioner's father was only a Temporary Casual Labour, the case of the petitioner was not considered and the same was rejected.

4. On a perusal of the entire materials placed before this Court, this Court is of the considered view that there is no infirmity, in the impugned order passed by the 3rd respondent for the reason that as per the provisions of the Act, who worked on permanent status, is alone eligible for compassionate ground appointment and since the petitioner's father was temporary

employee, the petitioner's request could not be considered.

5. Accordingly, the present writ petition stands dismissed.
No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Chairman
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4. The Superintending Engineer
Tamil Nadu Electricity Board
Udayarpatti, Salem - 14
Salem.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.82075

+1cc to M/s.Tamil Mani, Advocate, S.R.No.83085

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BS (CO)
CS/22/01/2020

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