

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :11.04.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.25862 of 2018

E.Peter Rubans

..Petitioner

vs

1. The Chairman and Managing Director
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002.
2. The Chief Engineer/Personnel
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai, TNEB, Chennai-600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Kadamparai Generation Circle,
Minparai, Coimbatore-642 011.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records connected with proceeding of the 2nd respondent bearing Letter No.059530/381/Karu.31/G.9/G.92/2014-2 dated 20.06.2015 and quash the same as illegal arbitrary and contrary to law and consequently direct the respondents to provide appointment to the petitioner on compassionate grounds in the suitable post within the time frame fixed stipulated by this Court.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.P.R.Dhilip Kumar
Senior Counsel for EB.

O R D E R

The claim of the writ petitioner seeking for appointment on compassionate ground is negatived vide proceedings dated 20.06.2015, on the ground that the mother of the writ petitioner is employed as part time sweeper in Kadamparai.

2. The learned counsel for the writ petitioner states that the mother of the writ petitioner is a part time employee and getting less amount of salary which may not be sufficient to lead their livelihood.

3. However, the Court has to consider the penurious circumstances of the family, which is the main criteria for the purpose of extending the scheme of compassionate appointment. If any one of the legal heir of the deceased employee is employed and earning, then the legal presumption would be that the family is able to survive.

4. Admittedly, the mother of the writ petitioner is employed in Noon-meal Centre and therefore, as per the terms and conditions of the service, the writ petitioner is not entitled to avail the benefit of compassionate ground. However, it is for the writ petitioner to participate in the process of selection and secure employment on merits and in accordance with law.

5. Under these circumstances, the impugned order passed by the respondent is undoubtedly in consonance with the terms and conditions of the scheme on compassionate ground and there is no infirmity as such. This Court is of the view that the writ petitioner should secure public employment on merits by participating in the open competitive process.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

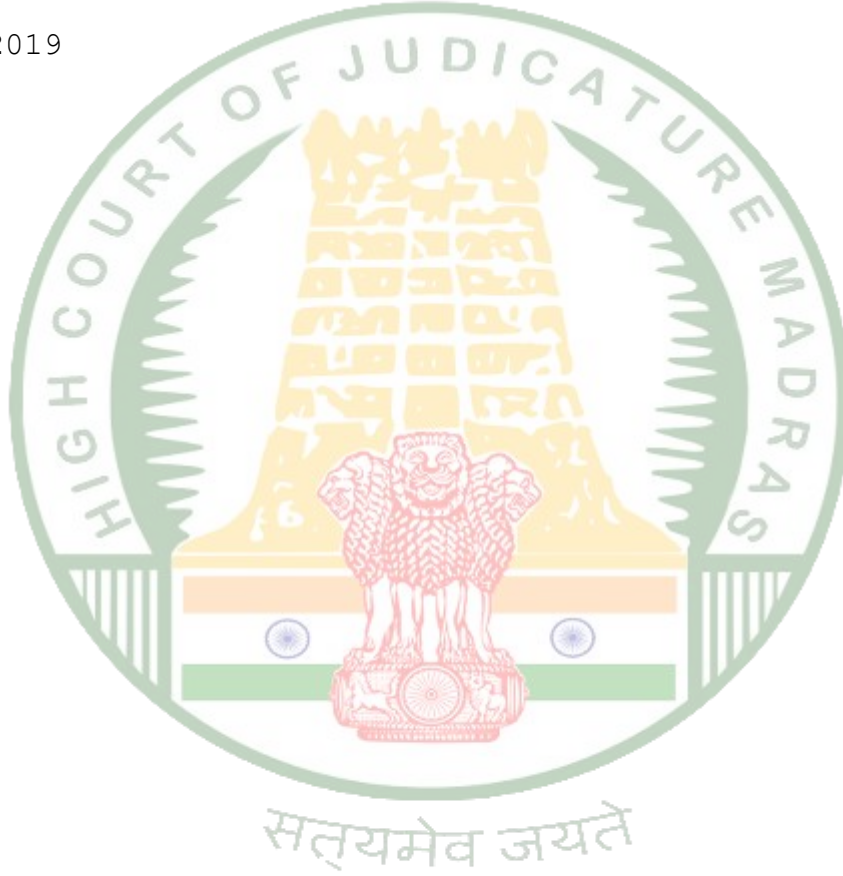
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+1cc to Mr.K.Sasindran, Advocate sr.36557

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