

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 09.04.2019

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33459 of 2018
and
W.M.P.No.38826 of 2018

R.Suseela

.. Petitioner

..Vs..

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Kallakurichi Electricity Distribution Code,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kallakurichi.

4.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Villupuram.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 3rd respondents impugned order made in Ka.En.May.Po/ KaMiPaVa / Kallai / Nir.1 / Vudavi.2 / Ko.Va.Vey / No 3867 / 2013 - 14 dated 01.02.2014 and the consequential impugned order of the 3rd respondent made in Ka.En.4510/226/May.Po/KaMiPaVa/Kallai/Ni.2/Vu.5/Ko.Va.Vey/2018 dated 27.02.2018 and quash the same.

For Petitioner : Mr.G.Anandakumar
for M/s.Thamizharasi Law Firm

For Respondent : Mr.M.Fakir Mohideen
for Tamil Nadu Electricity Board.

O R D E R

The order of rejection dated 01.02.2014, rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that the father of the writ petitioner late Sri.K.Rajan, was employed as Wireman in the Office of the Assistant Executive Engineer and died on 28.08.2004, while he was in service.

3. The writ petitioner submitted an application seeking appointment on compassionate grounds. The application submitted by the writ petitioner was scrutinized by the Competent Authorities and an order of rejection was originally issued in Proceedings dated 01.02.2014, stating that the writ petitioner had crossed the age of 38 years and therefore, she is not eligible for appointment on Compassionate grounds. This apart, the Authorities Competent on enquiry made a finding in the impugned order stating that after the dissolution of marriage granted by the Competent Court between the writ petitioner and her husband, the writ petitioner is living with his husband.

4. The fact regarding the re-union of matrimonial home by the writ petitioner with her husband was deposed by President Panchayat Union and other neighbors residing in the same locality. The Respondent Board obtained statement from President Panchayat Union and people residing in the nearby area. Based on the said statement, the authorities found that the writ petitioner is living with her husband and accordingly, not eligible to avail compassionate appointment. The appeal filed by the writ petitioner against the order passed in the year 2014, was also rejected by the Competent Authorities in proceedings dated 27.02.2018.

5. The learned counsel for the writ petitioner states that the writ petitioner is a divorced daughter of the deceased employee and therefore, she is entitled to get employment on compassionate grounds.

6. However, this Court is not inclined to consider the case of the writ petitioner, as the writ petitioner is now aged about 48 years and for seeking compassionate appointment the maximum age limit is 35 years and now she was over aged and crossed 35 years. Therefore, there is no infirmity as such.

7. The scheme of compassionate appointment is an exception and a concession. Thus, the appointment on compassionate grounds can never be claimed as a matter of legal right. This apart, the

Competent Authorities are bound to implement the scheme strictly in accordance with the rules in force. Enlarging or expanding the scheme of compassionate appointment is impermissible, as the very scheme itself is in violation of Article 14 & 16 of the Constitution of India.

8. As far as the present case is considered, the writ petitioner is now aged about 48 years and even at the time of submitting an application she was over aged and therefore, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

Pns

+1cc to Mr.Thamizharasi, Advocate, S.R.No.35032

+1cc to M.Fakkir Mohideen, Advocate, S.R.No.35560

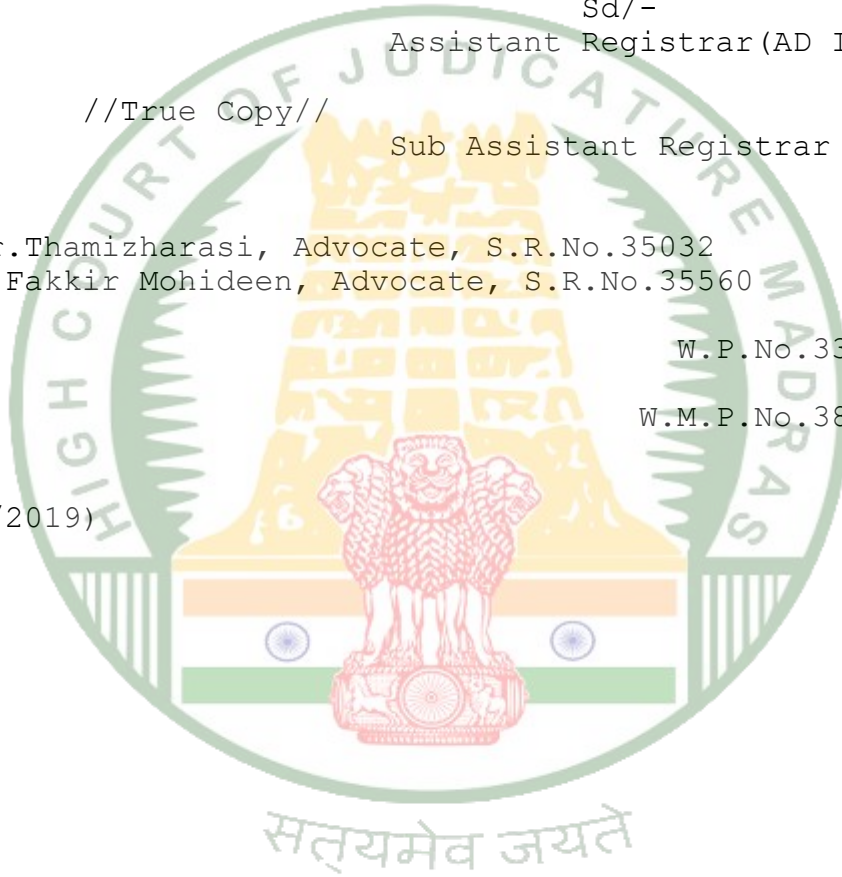
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JP(CO)

RRS (10/05/2019)



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