



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.08.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.10845 of 2014

N.Sumathi

... Petitioner

Vs.

1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai.

2.The Superintendent Engineer,
TANGEDCO,
Pudukkottai.

3.The Assistant Divisional Engineer,
TANGEDCO,
Keeranur Post,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Na.Ka.No.03805/97/ந.பி/உ.உ/கோ.வா.வே/2011 dated 02.04.2011 and quash the same as illegal, arbitrary and consequently provide compassionate appointment to the petitioner for the death of her husband Nagarjan.

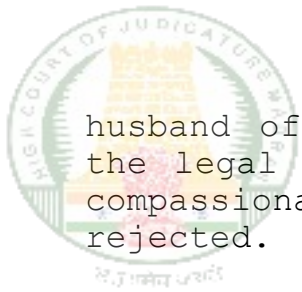
For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mrs.S.Srimathy
Standing Counsel

O R D E R

The order rejecting the claim of the writ petitioner for compassionate appointment in proceedings dated 02.04.2011 is under challenge in the present writ petition.

2.The impugned order states that the application submitted by the petitioner was considered and in view of the fact that the



husband of the writ petitioner was employed as contract labourer, the legal heirs are not entitled for the benefit of the scheme of compassionate appointment. Thus, the case of the writ petitioner was rejected.

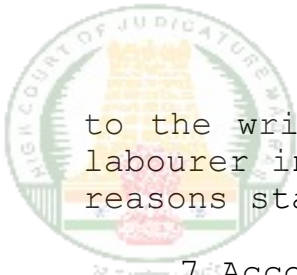
3.The learned Counsel for the writ petitioner states that the deceased employee was under consideration for regularisation. Mere consideration for grant of regularisation cannot be construed as a regularisation. However, learned Counsel for the writ petitioner is unable to establish that the services of the deceased employee was regularised before the date of his death. The fact remains that the husband of the writ petitioner was employed as casual labourer in the year 1991. The husband of the writ petitioner died on 21.06.2008.

4.The application seeking compassionate appointment was preferred by the writ petitioner on 25.03.2011. The same was scrutinised and an order of rejection was passed on 21.04.2011 on the ground that the deceased employee was working as contract labourer and therefore, the legal heirs are not entitled for the benefit of the scheme of compassionate appointment. In the absence of establishing that the deceased employee is a permanent employee of the Electricity Board, the scheme of compassionate appointment cannot be extended. In respect of the legal heirs of the contract employees, the scheme of compassionate appointment is not extended and therefore, the benefit cannot be granted.

5.Learned Standing Counsel for the respondents states as follows in paragraph No.5 of the counter affidavit:

"5.I submit that in the first instance the facts of the case for better appreciation of the case on hand by this Hon'ble Court. Thiru.Nagarajan, Temporary Casual Labour / construction / Keeranur Section, Pudukkottai Electricity Distribution Circle expired on 21.06.2008 at 21.00 hrs due to road accident. After that the petitioner applied for compassionate appointment for the first time on 25.03.2011. The application was verified and rejected on 02.04.2011 for the reason that the petitioners husband has not worked as permanent employee but only a temporary employee and that there is no scheme in force to provide employment assistants in petitioner's case."

6.This Court is of the considered opinion that the terms and conditions of the scheme of compassionate appointment is unambiguous that the scheme is to be extended to the legal heirs of the permanent employees of the Board and not to the legal heirs of the contract employees. This being the terms and conditions of the scheme, the benefit of compassionate appointment cannot be granted



to the writ petitioner as the deceased employee died as a contract labourer in the Board. Thus, there is no infirmity in respect of the reasons stated in the impugned order.

7. Accordingly, the writ petition stands dismissed. No costs.

WEB COPY

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai.

2. The Superintendent Engineer,
TANGEDCO,
Pudukkottai.

3. The Assistant Divisional Engineer,
TANGEDCO,
Keeranur Post,
Pudukkottai.

+1 CC to M/s.S.M.S.JOHNNEY BASHA, Advocate (SR-80036[F] dated
06/08/2019)

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-80152[F] dated
07/08/2019)

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05.08.2019

mr
JM/29.08.2019/3P/6C