



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.14553 of 2014

WEB COPY

S.Udayal

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.

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

3.The Chief Engineer,
Tuticorin Thermal Power Station,
Thoothukudi.

4.The Managing Director,
Tuticorin Thermal Power Plant,
Industrial Co-operative Service Society,
Complex of Tuticorin Thermal Power Station,
Thoothukudi - 06.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide employment to any one of the legal heirs on compassionate grounds to the deceased employee Late.Shanmugam within a stipulated time may be fixed by this Court.

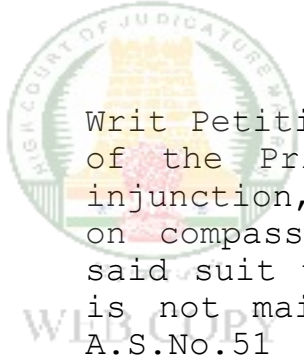
For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.M.S.Johnny Basha
Standing Counsel

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to provide employment to any one of the legal heirs on compassionate grounds.

2.The husband of the writ petitioner Late Mr.Shanmugam was a contract worker under the control of the fourth respondent. He undertakes works with the third respondent on contract basis. The writ petitioner states that her husband died on 19.02.1998. Subsequently, the petitioner made a representation, to provide appointment on compassionate grounds to any one of the legal heirs. However, the case of the writ petitioner was not considered. The



Writ Petitioner filed a civil suit in O.S.No.234 of 1999 on the file of the Principal District Munsif Court, Tuticorin for mandatory injunction, to direct the respondents to appoint the writ petitioner on compassionate grounds in Tuticorin Thermal Power Station. The said suit was dismissed on 10.12.2012, on the ground that the suit is not maintainable. The appeal filed by the writ petitioner in A.S.No.51 of 2005 was also dismissed on 20.06.2008. Thereafter, during the year 2014, the present writ petition is filed.

3.This Court is of the considered opinion that the writ petitioner was a contract worker and therefore, the scheme of compassionate appointment is not available to the legal heirs of the contract employees. This apart, the deceased husband of the writ petitioner at no point of time was absorbed as regular employee of the respondent Corporation. This being the factum, the scheme of compassionate appointment is not applicable to the legal heirs of the husband of the writ petitioner. Beyond this, the writ petitioner filed civil suit as well first appeal and both were dismissed by the competent Civil Court. Even thereafter, the writ petition is filed during the year 2014. Thus, the writ petition itself is highly belated.

4.In respect of the contract employee, died in the year 1998, the writ petition is filed in the year 2014 after a lapse of about of 16 years. This being the factum, the relief as such sought for to provide compassionate appointment cannot be granted to the writ petitioner as the husband of the writ petitioner was a contract employee and further, the writ petition itself is filed after a lapse of 16 years from the date of death of the husband of the writ petitioner. Hence, the Writ Petition is devoid of merits.

5.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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MR

MK (07.08.2019) 2P 1C