



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 24.07.2019  
CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

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W.P. (MD) No.17150 of 2014  
and  
M.P. (MD) No.1 of 2014

Muneeswari

... Petitioner

-Vs-

1.The Chief Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited, (TANGEDCO),  
Anna Salai, Chennai-2.

2.The Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited, (TANGEDCO),  
Dindigul District.

3.The Executive Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited, (TANGEDCO),  
Batlagundu.

4.The Assistant Executive Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited, (TANGEDCO),  
Kodaikanal.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned order in fbj vz;.101774/ 455/[p8/[p.82/2012-2, ehs; 12.12.2012 passed by the first respondent and quash the same and further direct the first respondent to provide suitable employment to the petitioner according to the petitioner's qualification on compassionate ground.

For Petitioner

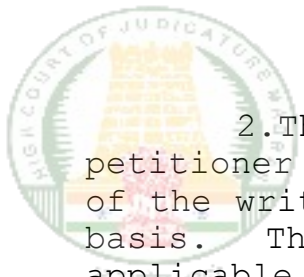
: Mr.S.Vellaichamy

For Respondents

: Mr.S.Dhayalan,  
Government Advocate.

**ORDER**

The order of rejection dated 12.12.2012, rejecting the claim of the writ petitioner for compassionate appointment, is under challenge in the present Writ Petition.



2.The impugned order states that the case of the writ petitioner was not considered, in view of the fact that the husband of the writ petitioner was employed as casual labourer on temporary basis. Therefore, the scheme of compassionate appointment is not applicable to the daily wages employees.

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3.Admittedly, the husband of the writ petitioner died on 18.10.2010. The writ petitioner immediately approached the authorities, seeking appointment on compassionate ground. Earlier, the writ petitioner filed W.P.(MD)No.1751 of 2011 and this Court passed an order dated 26.09.2012, directing the respondents to take a decision on the application for appointment on compassionate ground, within a period of three months from the date of receipt of a certified copy of the order. To that extent, the Writ Petition was allowed.

4.Pursuant to the directions issued by this Court, the first respondent issued the impugned order in proceeding dated 12.12.2012. The said order is under challenge in the present Writ Petition.

5.This Court is of the considered opinion that the scheme of compassionate appointment is to be implemented strictly in accordance with the terms and conditions. The temporary casual labourers are not entitled to avail the benefit of scheme of compassionate appointment. The scheme of compassionate appointment is to be made eligible only in respect of the permanent employees, who are all working in the sanctioned post in the regular time scale of pay.

6.This being the scope of the scheme, the order of rejection passed by the first respondent dated 12.12.2012 is in consonance with the terms and conditions of the scheme of compassionate appointment and the deceased employee was serving as temporary casual labourer and therefore, this Court cannot extend the benefit of scheme of appointment on compassionate grounds to the legal heirs of the deceased casual labourer. Accordingly, there is no infirmity in the impugned order and therefore, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Chief Engineer,  
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Kodaikanal.

*Myr*  
W.P. (MD) No.17150 of 2014  
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NA (01.08.2019) 3P : 5C