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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.11.2019
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P.(MD)No.17831 of 2016
and
W.M.P(MD)No.12863 of 2016

L.Jothi Ammal ... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation & Distribution Corporation,
(Formerly Tamil Nadu Electricity Board),
Anna Salai,Chennai.

2. The Chief Engineer,
Tamil Nadu Generation & Distribution Corporation,
(formerly Tamil Nadu Electricity Board),
8th Floor, NPKRR Maligai,
No.144 Anna Salai,Chennai.

3.The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation,
(formerly Tamil Nadu Electricity Board),
K.Pudur,Madurai-625 007. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third respondent in Ka.No.Me. Po/Peru/Mathu/ NiA/NiPi2/ Uthavi 1/Ko.Pathavi Vuyarvu/A.No.404/16 dated 6.5.2016 quash the same and consequently direct the respondents herein to consider the other alternate eligible son of the petitioner viz., Vivek Krishnakumar for compassionate appointment as per the representation of the petitioner dated 14.05.2015 and in the light of Board Proceedings issued by the second respondent in (Per.) B.P.Ms.(F.B) No.3 dated 9.1.2007.

For Petitioner : Ms.Rukmani for M.M.Dinesh
For Respondents : Mr.S.Dhayalan,Government Advocate

ORDER

The present writ petition is filed challenging the order of the third respondent in Ka.No.Me.Po/Peru/Mathu/NiA/NiPi2/Uthavi 1/Ko.Pathavi Vuyarvu/A.No.404/16 dated 6.5.2016 quash the same and consequently direct the respondents to consider the other alternate eligible son of the petitioner viz., Vivek Krishnakumar for compassionate appointment as per the representation of the petitioner dated 14.05.2015 and in the light of Board Proceedings issued by the second respondent in (Per.) B.P.Ms.(F.B) No.3 dated 9.1.2007.

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2. The petitioner's husband worked as a Driver in the Electricity Board and he died on 21.06.1995 while in service leaving the petitioner, three sons and two daughters and his aged parents. After the death of her husband, the petitioner gave representation to the respondents seeking appointment for her elder son namely, Veera Pandia Sekaran. By order dated 09.05.2000, the respondents issued appointment order on compassionate ground to Veera Pandia Sekaran the first son of the petitioner. The petitioner gave representation dated 22.05.2000 to the respondents to cancel the said appointment and to give appointment to her second son L.Murugesan. The first son of the petitioner also gave no objection for giving appointment to his brother L.Murugesan as he has got married and left the family and he has no contact with the family. Subsequently, the petitioner also gave a representation on 01.12.2000. According to the petitioner, the third respondent by the proceedings dated 13.02.2002, recommended to the second respondent to give appointment to the second son of the petitioner. The petitioner contended that the respondents, by Board proceeding, have stated that the employees, who were in service before 13.10.1995 and died in the course of employment, the limitation of three years will not apply to the dependents of the employee, who died before 13.10.1995. The petitioner's husband died on 21.06.1995, therefore, she gave representation dated 03.12.2014 to the second respondent requesting for appointment on compassionate ground to her third son L.Vivek Krishnakumar, who had completed B.E., M.E., (Mechanical) and un-employed. She has sent reminder dated 02.02.2015. The respondents, by the impugned order dated 06.05.2016, rejected the claim of the petitioner. Against the said order of rejection, the petitioner has come out with the present writ petition.

3. The respondents filed counter affidavit and referred various judgments on this issue. Mr.S.Dhayalan, learned Government Advocate appearing for the respondents contended that the Board proceedings referred by the petitioner was cancelled by the subsequent board proceedings dated 24.03.2007 and only as per the rules and regulations, compassionate appointment can be granted. In the present case, originally, at request of the petitioner, appointment was granted to the first son of the petitioner, who did not accept the same. After 20 years from the death of the employee/the husband of the petitioner, the petitioner has come out with the present writ petition challenging the rejection order, rejecting the request of the petitioner, claiming appointment for the third son of the petitioner. Due to lapse of time, necessity to provide employment assistance ceased to exist and prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

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5. From the materials on record, it is seen that after death of petitioner's husband, the respondents gave appointment on compassionate ground to the first son of the petitioner viz., Veera Pandiya Sekaran on 09.05.2000, he did not accept the same. The petitioner subsequently, sought for appointment for her second son. From the impugned order of the respondents, it seen that the said request was rejected. After 19 years from the death of her husband, the petitioner has given another representation, claiming for appointment on compassionate ground for third son. The scheme of compassionate appointment is to give minimum assistance to the family of the employee, who died while in service, so that, the family of the deceased employee should not face the sudden financial difficulties. In the present case, the petitioner has given application for appointment on compassionate ground to her first son in the year 2000 itself on 09.05.2000. Due to their family dispute, the same was not accepted. The petitioner's request for appointment for his second son was also rejected. The present claim made by the petitioner for appointment for her third son is belated and reliance placed on Board Proceedings, was cancelled by the subsequent Board proceedings by the respondents.

6. In view of the above materials, there is no infirmity in the impugned order warranting interference by this Court. In the result, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

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(Formerly Tamil Nadu Electricity Board),
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am/sma/27/11/19/3p/4c W.P.(MD)No.17831 of 2016
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