



WEB COPY

W.P.(MD)No.3573 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.3573 of 2011

and

M.P. (MD)No.2 of 2011

K.Balasubbulakshmi

... Petitioner

Vs.

1.The Chief Engineer(Personnel),
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Theni Electricity Distribution Circle,
Theni-625 531.

3.The Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Operation and Maintenance Division,
Chinnamanur-625 515.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call upon the records pertaining to the impugned letter Ka.En.234-1/Me.Po./Theni/U.Ne.A/Ne.Pe.2/Ne.U.2/Ko.Va.Ve./2010, dated 20.11.2010 on the file of the second respondent and quash the same as illegal and consequently directing the first respondent to issue an order of appointment to the petitioner in the last grade of the Tamil Nadu Electricity Board.

For Petitioner : Ms.Kanimozhi
for M/s.T.Lajapathi Roy

For Respondents : Mr.Anand Gopalan
for M/s T.S.Gopalan



ORDER

The order of rejection dated 20.11.2010 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

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2. The husband of the writ petitioner - Mr.S.Ramamurthi died while he was working as temporary casual labourer in Tamil Nadu Electricity Board. Mr.S.Ramamurthi died on 07.06.2010 and the petitioner as the legal heir and wife of the deceased submitted an application seeking appointment on compassionate ground in the Tamil Nadu Electricity Board.

3. Learned Counsel appearing on behalf of the writ petitioner made a submission that the family of the writ petitioner is in penurious circumstances and they are not in position to meet out their livelihood. The case of the petitioner is to be considered even on sympathetic grounds.

4. This Court is of the considered opinion that the scheme for compassionate appointment is a special scheme. The compassionate appointment is in violation of Articles 14 and 16 of the Constitution of India. The compassionate appointment being a special scheme is an exception and therefore, the scheme has to be implemented strictly in accordance with the terms and conditions stipulated under the scheme. It is not as if a public employment can be provided on sympathetic grounds. Compassionate appointment is to be granted only in accordance with the terms and conditions and not based on any other grounds. All appointments are to be made only under the Constitutional schemes. Equal opportunity in public employment is the Constitutional mandate. In the event of providing large number of compassionate appointments, undoubtedly the efficiency level in the public administration would be affected. The compassionate appointments are given without assessing the merit and without conducting any eligibility or suitability test. Therefore, the efficiency level of the candidate itself would be on doubtful. In view of the fact that in the event of such selection process had been undertaken to appoint the candidate under compassionate appointment, the appointment is to be restricted only to genuine cases and strictly in accordance with the terms and conditions of the scheme. Large scale of compassionate appointments in public services would affect the efficiency of the public administration which is a Constitutional mandate. Thus the authorities competent are bound to examine all the cases carefully and provide compassionate appointment strictly in accordance with the terms and conditions.



5. In the present case, admittedly the husband of the writ petitioner was working as temporary casual labourer in the Tamil Nadu Electricity Board and as per the scheme of that Board, permanent employees of the Board alone are entitled to avail the scheme of compassionate appointment. Temporary casual employees are not covered under the scheme of compassionate appointment and therefore, there is no infirmity as such in rejecting the claim of the writ petitioner. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19996[F] dated 14/10/2020)

+1 CC to M/s.T.S. GOPALAN & CO, Advocate (SR-20265[F] dated 15/10/2020)

W.P. (MD)No.3573 of 2011
and
M.P. (MD)No.2 of 2011
13.10.2020

ma (CO)

TR(28.10.2020) 3P 3C