



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.6215 of 2014

WEB COPY

A.Sundar Kumar

... Petitioner

-Vs-

1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai 02.

2.The Superintendent Engineer,
TANGEDCO, Pudukkottai.

3.The Assistant Engineer (East)
TANGEDCO, Keeranur,
Pudukkottai District.

... Respondents

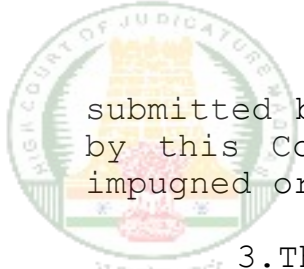
Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Letter No.04901/95/Ni.Bi2/Oo.A/Ko.Va.Ve/2014 dated 15.03.2014 and quash the same as illegal and arbitrary and consequently direct the respondents to provide compassionate appointment to the petitioner on account of the death of his father.

For Petitioner : Mr.P.Ganapathisubramanian
For Respondents : Mr.T.Sakthikumaran
Standing Counsel

ORDER

The impugned order dated 15.03.2014 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2.The father of the writ petitioner Late.Arockiyasamy was employed as TCL in the office of the third respondent and died on 01.03.2008 due to electrocution. The petitioner states that on account of the sudden demise of his father, the family was in penurious circumstances. Thus, the mother of the writ petitioner submitted an application on 25.04.2008 for providing appointment. The said application was considered and rejected by the Board in the year 2008 itself. However, the writ petitioner, subsequently, filed a writ petition in W.P(MD).No.1361 of 2014 and this Court passed an order directing the authorities to consider the representation



submitted by the writ petitioner. Pursuant to the direction issued by this Court, once again the order of rejection is passed vide impugned order dated 15.03.2014.

3.The impugned order states that the father of the writ petitioner Late.Arockiyasamy was working as a temporary daily wages employee (temporary casual labourer) and his services were not made permanent. As far as the temporary casual labourers are concerned, they are not the permanent employees and therefore, they are not entitled to avail the benefit of Scheme of compassionate appointment.

4.This Court is of the considered opinion that as per the Scheme of compassionate appointment, only the legal heir of the permanent employees, who died, are eligible for consideration for appointment on compassionate ground. Thus, the temporary casual labourers are not eligible for appointment. This being the terms and condition of the Scheme of compassionate appointment, the order impugned is in consonance with the Scheme of compassionate appointment and accordingly, the writ petitioner is not entitled for the relief as such sought for in the present writ petitioner. Thus, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

TO

1.The Chairman, TANGEDCO,
Anna Salai, Chennai 02.

2.The Superintendent Engineer,
TANGEDCO, Pudukkottai.

3.The Assistant Engineer (East)
TANGEDCO, Keeranur,
Pudukkottai District.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-24208[F] dated 07/12/2020)

W.P. (MD) .No.6215 of 2014
04.12.2020

TP (CO)

TR(18.12.2020) 2P 5C