**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved on	28.02.2020
Pronounced on	29.06.2020

CORAM:**THE HONOURABLE MR. JUSTICE M.S.RAMESH****W.P. (MD) No.8788 of 2016****and****W.M.P. (MD) Nos.6986 & 13115 of 2016**

G.Mookkammal

...Petitioner

Vs.

1.The Chairman,
TANGEDCO, Chennai.2.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order of the second respondent in Ka.No.021802/405/Ni.A/Ni.P.3/U-3/Ko.va.Velai dated 23.12.2015 and to quash the same and further direct the respondents to provide employment to the petitioner on compassionate ground within the time fixed by this Court.

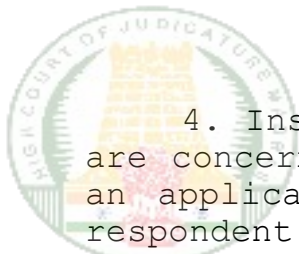
For Petitioner : Mr.H.Arumugam
For Respondents : Mr.T.Sakthikumaran

O R D E R

While the petitioner's husband S.Gurusamy, was employed as a Wireman in the respondent Tamil Nadu Electricity Board, he died in harness, on 11.06.2004, leaving the petitioner and his two minor children as his legal heirs. The petitioner's request for compassionate appointment made on 03.09.2015, came to be rejected through the impugned order dated 23.12.2015 on three grounds, which is put under challenge in the present Writ Petition.

2. Heard Mr.H.Arumugam, learned counsel for the petitioner and Mr.T.Sakthikumaran, learned counsel appearing on behalf of the respondents.

3. The petitioner's request for compassionate appointment made on 03.09.2015, came to be rejected through the impugned order dated 23.12.2015 on the following three grounds. Firstly, the application should be made within a period of three years from the date of death of the employee. Secondly, the applicant should have completed 18 years of age and thirdly, the applicant should possess a minimum educational qualification of pass in VIII Std.



4. Insofar as the first two reasons cited in the impugned order are concerned, prior to 03.09.2015, the petitioner had earlier made an application on 18.12.2004, which was also acknowledged by the respondent Board in their letter No.20888/521/Ni.Pi.2/Oo-2/Ko.Va.Vae/karu.251/06 dated 10.07.2006 and accordingly, the first reason that the application was made belatedly is not sustainable. Secondly, as per the School records of the petitioner, her date of birth was 07.06.1974 and she had attained majority on 07.06.1992 and as such, she had completed 18 years on the date of her application (i.e.) 18.12.2004. Insofar as the third reason assigned was that she does not possess a minimum educational qualification of pass in VIII Std is concerned, it requires to be mentioned that the scheme of compassionate appointment is a welfare scheme to assist the bereaved family from financial constraint in view of the untoward death of the sole breadwinner of the family. This Court had repeatedly held that the scheme of compassionate appointment itself is against the norms of service regulations and through relaxation of age, qualification and other criteria.

5. It is stated that there are various forces under the Board, such as Watchman, Gardener, Sweeper and Sanitary workers for which, the claimant's ability to read and write Tamil language, would suffice as qualification. While that being so, the proper recourse available to the respondents would have been to consider the petitioner's request for such posts, which does not possess the minimum educational qualification of a pass in VIII Std.

6. In the light of the above observation and findings, this Court is of the view that the petitioner's request requires reconsideration. Accordingly, the impugned order of the second respondent dated 23.12.2015 is set aside. Consequently, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 03.09.2015, in the light of the above observations made in this order and without reference to the petitioner's educational qualification or three years limitation period. Such a consideration shall be made atleast within a period of eight weeks from the date of receipt of this order. The Writ Petition stands ordered accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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To

1.The Chairman,
TANGEDCO, Chennai.

2.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

order in
W.P. (MD) No.8788 of 2016
and
W.M.P. (MD) Nos.6986 & 13115 of 2016
29.06.2020

SMA/16/07/2020/3P/3C