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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13455 of 2008
and
M.P.Nos.1 & 2 of 2008

K.Lakshmi

Vs.

...Petitioner

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai 600 002.
2. The Chief Engineer,
Tamil Nadu Electricity Board,
Villupuram Zone,
Villupuram.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Villupuram Electricity Distribution Circle,
Villupuram 605 602.
4. The Divisional Engineer,
O/o the Divisional Engineer,
Tamil Nadu Electricity Board,
Kallakurichi 606 202.
5. The Assistant Divisional Engineer,
O/o.the Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Sadayampattu Village,
Kallakurichi 606 202.

6.Prabavathy

...Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus, calling for the records of the third respondent pertaining to his proceedings in Ka.No.010093(130)/Nipi3/Vu.4/Ko.Va.Ve.no. Nil/08-2 dated 15.05.2008 (க.எண்.010093(130).நிபி.3.உ.4/கோ.வா.கூவ.வா.எண்...08/2 நாள் 15/05/2008) and quash the same.



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For petitioner : Mr.P.Valliappan

For respondents : Mr.P.Subramaniam, TNEB
for R1 to R5

Mr.Gunasekaran for
Mr.I.Abrar Mohamad Abdullah for R6

ORDER

This writ petition has been filed to quash proceedings of the third respondent dated 15.05.2008.

2. The case of the writ petitioner is as follows.

The petitioner is the mother of the deceased employee Ramesh @ K.Pugazhendran, who was working under the 5th respondent as helper and died on 03.02.2007 in an accident. Though the deceased married the 6th respondent on 03.03.2006, she did not live with him and she deserted the deceased. In fact, she filed a suit in O.S.No.158 of 2007 before the District Munsif Court at Kallakurichi for partition claiming 4/9 share over the ancestral properties and the above said suit is pending. According to the petitioner she and her daughter are the only legal heirs of the deceased, since the 6th respondent had deserted the deceased and was not living with him and hence she is not entitled for compassionate appointment. The petitioner made a representation before the third respondent seeking employment to her daughter on compassionate ground, considering the fact that she is being the sister of the employee. But without considering the facts, the third respondent rejected the claim of the petitioner on the ground that, the 6th respondent, wife of the deceased employee, has submitted application for compassionate appointment and there is no provision to consider the petitioner's application for providing compassionate appointment to her daughter, on the death of the deceased employee. Challenging the above said order, the present writ petition has been filed.

3. The learned counsel for the contesting 6th respondent strongly objected the contentions raised by the petitioner and prayed for dismissal of the writ petition.

4. It is seen from the affidavit that, after the death of the deceased employee on 03.02.2007, the 6th respondent has filed a partition suit in O.S.No.158 of 207 before the District Munsif, Kallakurichi seeking 4/9 share in the suit properties. As per the Hindu Succession Act and the Schemes framed by the Government, the 6th respondent, being the wife of the deceased, is eligible for compassionate appointment. The petitioner has stated in the affidavit that the 6th respondent had deserted her



husband during his life time. But, she has not produced any materials to establish the same. Therefore, unless there is any materials to prove the above said fact, the contention of the petitioner cannot be accepted.

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5. The 6th respondent, being the wife of the deceased Ramesh @ Pugazhendi, gave an application for compassionate appointment. If the 6th respondent is eligible, her candidature for compassionate appointment will be considered by the concerned authorities, as per the Scheme and in accordance with the Government Rules. Therefore, seeking employment for her daughter by the petitioner is liable to be rejected. However, in any case, if the 6th respondent is not eligible, it is for the petitioner to approach the authorities concerned seeking employment for her daughter and on such approach, the authorities concerned are directed to consider the candidature of the petitioner's daughter, if she is otherwise eligible and as per the scheme for compassionate appointment.

6. With the above observations, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai 600 002.
2. The Chief Engineer,
Tamil Nadu Electricity Board,
Villupuram Zone,
Villupuram.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
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4. The Divisional Engineer,
O/o the Divisional Engineer,
Tamil Nadu Electricity Board,
Kallakurichi 606 202

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5. The Assistant Divisional Engineer,
O/o.the Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Sadayampattu Village,
Kallakurichi 606 202.

+1cc to M/s.I.Abrar Md Abdullah, Advocate, S.R.No.59383

+1cc to M/s.P.Valliappan, Advocate, S.R.No.59379

+1cc to M/s.P.Subramanian, Advocate, S.R.No.59288

W.P.No.13455 of 2008
and
M.P.Nos.1 & 2 of 2008

CP(CO)
RGA(03/12/2021)