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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.36378 of 2016
and
W.M.P. No. 31318 of 2016
(Through Video Conferencing)

S.Pavayee ... Petitioner

Vs

1.The Chairman,
Tamilnadu Generation & Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

2. Tamilnadu Generation & Distribution
Corporation Ltd.,
Represented by its Chief Engineer (Personnel),
No.144, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamilnadu Generation & Distribution
Corporation Ltd., Mettur Dam,
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders passed by the third respondent dated 28.06.2014 in RC No.0071061/Est1/U3/Ko.Va.Ve/2014, dated 03.09.2014 in RC No.996/009494/Est1/U3/Ko.Va.Ve/2014 and dated 19.01.2015 in RC No.103443/2003/Est1/U3/Ko.Va.Ve/2014, quash the same and consequently direct the respondents to provide her daughter T.Bakyalakshmi employment and compassionate grounds forthwith, award costs.

For Petitioner : Ms.Nandhini
for Mr.R.Krishnaswamy

For Respondents : Mr.P.Subramanian
Standing Counsel



ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

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2. The Petitioner has filed this writ petition for a Certiorari/Mandamus, to quash the order passed by the third respondent on 28.06.2014, 03.09.2014 and 19.01.2015.

3. The learned counsel for the petitioner submits that during the pendency of this writ petition and taking into consideration of various government orders, a comprehensive guideline has been issued in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 wherein, it has been clarified that even a married daughter of a deceased Government Servant who is otherwise eligible can be appointed on compassionate ground.

4. In this connection, a reference is made from G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 to the following paragraphs :-
Legal Heirs/Near Relatives of the Deceased Government Servant/Person who are eligible for Compassionate Ground Appointment

- (i)
- (ii)
- (iii) Married daughter of the deceased Government Servant who is otherwise eligible.
- (iv)
- (v)
- (vi)

5. The learned counsel for the petitioner submits that the second respondent has now issued an administrative order in its FB TANGEDCO Proceedings No.11 dated 11.06.2020 which reaffirms and implements the content of G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and has been implemented uniformly. The learned counsel for the petitioner further submits that there are several decisions of this Court which has also allowed the relief and has been followed by this Court.

6. Appearing on behalf of the respondents, the learned standing counsel fairly concedes that at the time when the application for appointment was made, there was an embargo and therefore the respondents were unable to consider the application of the petitioner for appointment of her daughter on the compassionate ground. He also confirms that the G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 has been adopted by the respondents in their



proceedings bearing Ref.No.FB TANGEDCO Proceedings No.11 dated 11.06.2020.

7. The impugned orders passed by the third respondent states that the petitioner's daughter was married at the time when the application for compassionate appointment was made by the petitioner on 31.05.2014. During the pendency of the writ petition, by a communication dated 16.09.2017, the respondents have advised the petitioner to withdraw the writ petition to consider the request of the petitioner for appointment of her daughter on the compassionate ground.

8. It is noticed that by an order dated 28.02.2020 the Madurai Bench of this Court in W.P.(MD)No.6493 of 2016 in the case of C.Vasuki Bharathi Vs The Commissioner, Madurai Corporation and another under a similar circumstance granted relief after considering several decisions of the Hon'ble Supreme Court. Guidelines issued in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 has also been adopted by the respondents. I therefore direct the respondents to consider the application furnished by the petitioner in the light of the above G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and FB TANGEDCO Proceedings No.11, dated 11.06.2020 within a period of six weeks from the date of posting of this order in the High Court website.

9. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamilnadu Generation & Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.



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2. The Chief Engineer,
Tamilnadu Generation & Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamilnadu Generation & Distribution
Corporation Ltd., Mettur Dam,
Salem District.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.39082

+1cc to Mr.V.Ajoykhose, Advocate, S.R.No.38985

W.P. No.36378 of 2016

SR-II (CO)
CT/25/08/2021