



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2450 of 2021

and W.M.P. (MD).No.2038 of 2021

WEB COPY

A.Nazmajan

...Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Anna Salai, Chennai - 600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Recruitment Office,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer/SEDC,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Sivagangai.
- 4.The Assistant Executive Engineer/Distribution,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thirupuvanam,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent க.எண்.006131/358/மேபொ/சிமிபவ/சிவ/நிஅ/நிபி2/உ1/கோ.வா.வே/2018 on 30.07.2018 and quash the same and further direct the respondents to appoint the petitioner under compassionate ground within a time frame.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.T.Sakthikumaran
Standing Counsel

O R D E R

Heard Mr.T.S.Mohamed Mohideen, learned counsel for the petitioner and Mr.T.Sakthikumaran, learned Standing Counsel, appearing for the respondents.

2.The rejection of the petitioner's request for compassionate appointment is under challenge in the present writ petition. After the rejection of the petitioner's request for compassionate appointment, the Labour and Employment Department of Government of Tamil Nadu had passed a Government Order in G.O.Ms.No.18, dated



23.01.2020, laying down comprehensive guidelines to be adopted by various departments, while considering any request for compassionate appointment. Prior to passing of the aforesaid Government Order, this Court had been passing various orders directing the Government Departments to consider the requests made on compassionate appointments. In consideration of such orders of this Court, the aforesaid Government Order came to be passed.

3. Adopting these comprehensive guidelines issued by the Labour and Employment Department of Government of Tamil Nadu, the Full Board of TANGEDCO has also laid down almost similar guidelines in their proceedings No.11, dated 11.06.2020. Since the impugned order of rejection was passed prior to the new comprehensive guidelines, it would be appropriate to direct the respondents to reconsider the petitioner's request in accordance with the guidelines, dated 11.06.2020, of the respondents. As such, the present rejection order requires to be set aside. However, it is made clear that this Court has not expressed any of its view with regard to the merits of the claim made by the petitioner, seeking compassionate appointment.

4. Accordingly, the impugned order passed by the order passed by the 3rd respondent க.எண்.006131/358/மேபொ/சிமிபவ/சிவ/நிஅ/நிபி2/உ1/ கோ.வா.வே/2018, on 30.07.2018, is quashed and the matter is remanded back to the third respondent for fresh consideration. The third respondent shall endeavour to consider the petitioner's request for compassionate appointment at the earliest, in any event, within a period of three months from the date of receipt of a copy of this order.

5. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

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Thirupuvanam,
Sivagangai District.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-4341
[F] dated 10/02/2021)

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-
4458[F] dated 11/02/2021)

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KK/18.02.2021/3P-7C