



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8200 of 2021

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Amutha

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Chairman,
Electricity Department,
10th Floor, NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
TANGEDCO, K.Pudur,
Madurai.

3.The Executive Engineer,
TANGEDCO, Theni, Theni District.

4.The Assistant Executive Engineer,
TANGEDCO, Theni,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide any employment to the petitioner's daughter namely Nivetha as eligible for her qualification on compassionate ground within a time frame fixed by this Court by considering her representation dated 23.01.2020.

For Petitioner	: Mr.S.Muniyandi
For R - 1	: Mr.C.Ramesh
	Special Government Pleader
For RR 2 to 4	: Mr.T.Sakthikumaran

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondents to provide employment to the petitioner's daughter, namely, Nivetha on compassionate ground by considering her representation, dated 23.01.2020, within a time frame to be fixed by this Court.



2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr.T.Sakthikumaran, learned counsel accepts notice on behalf of the respondents 2 to 4.

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3.According to the petitioner, her husband worked as a Lineman at TANGEDCO, Theni District and he died on 12.03.2016, while he was in service. Hence, the petitioner sent a representation to the respondents seeking appointment on compassionate ground to his son, namely, Karthickraja and the respondents had given appointment to the petitioner's son, vide proceedings, dated 05.03.2019. He took charge as a Helper for two days ie., on 01.04.2019 & 02.04.2019, in the TANGEDCO, Theni District and due to his health condition, he was unable to go for work. The petitioner's son, gave a letter to the respondents to give appointment to his sister, namely Nivetha. The petitioner also sent a representation to the respondents on 23.01.2020, seeking appointment on compassionate ground to her daughter. Since the same has not been considered so far, the petitioner has come out with the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 to 4.

5.From the materials available on record, it is seen that the petitioner's husband-Manoharan died on 12.03.2016. At the request of the petitioner, the second respondent by proceedings, dated 05.03.2019 given appointment to her son as a Helper. According to the petitioner, her son joined duty on 01.04.2019 and worked only for two days ie., on 01.04.2019 and 02.04.2019. Due to his ill-health, he was unable to go for work. In such circumstances, her son gave a representation, dated 24.12.2019 to give appointment to the petitioner's daughter. The petitioner also gave representation, dated 23.01.2020 to give appointment on compassionate ground for her younger daughter.

6.From the above materials, it is seen that at the request of the petitioner, the second respondent has given appointment to the petitioner's son, namely Karthickraja by proceedings, dated 05.03.2019. The petitioner's son joined duty on 01.04.2019 and worked for two days and thereafter, he did not continue his work after two days. He has not applied for any leave or he has not informed the respondents that due to his serious health condition, he did not come to office. The petitioner's son also has not produced any Medical Certificate with regard to his health condition. On the other hand, he was unauthorizedly absent after



two days of his joining. The reason given by the petitioner's son in the representation, dated 24.12.2019, seeking appointment for his sister is not acceptable. The petitioner having obtained appointment on compassionate ground for her son, is not entitled to get another appointment on compassionate ground for her daughter. The authorities cannot act and give appointment on compassionate ground on the whims and fancies of the members of the family of the deceased employee and the petitioner cannot seek more than one appointment on compassionate ground.

7.For the above reasons, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

- 1.The Chairman,
Electricity Department,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer,
TANGEDCO, K.Pudur,
Madurai.
- 3.The Executive Engineer,
TANGEDCO, Theni,
Theni District.



4.The Assistant Executive Engineer,
TANGEDCO, Theni,
Theni District.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-16856[F] dated
21/04/2021)

W.P (MD) No. 8200 of 2021
20.04.2021

ES (CO)
AS (12.05.2021) 4P 6C