



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD).No.13818 of 2021

T. Shanmugam

... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Ltd.,
Represented by its Chairman,
No.144, Anna Salai,
Chennai - 2.
2. The Chief Engineer/Establishment,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai -2.
3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Meenakshinayakkanpatti,
Dindigul -2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent, relating to his letter No.0064401/137/NePe.1/NeVu.4/ko.va.ve/2021 dated 19.04.2021, culminated in rejecting the request of the petitioner seeking an offer of employment on compassionate grounds and quash the same and direct the respondents to consider his candidature and offer suitable employment under the first respondent on compassionate grounds.

For Petitioner : Mr. S. Kadarkarai
For Respondents : Mr. T. Sakthi Kumaran
 ` ` ` Standing Counsel

O R D E R

The Writ Petition is filed, for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent, relating to his letter No.0064401/137/NePe.1/NeVu.4/ko.va.ve/2021 dated 19.04.2021, culminated in rejecting the request of the petitioner seeking an offer of employment on compassionate grounds and quash the same and direct the respondents to consider his candidature and offer suitable employment under the first respondent on compassionate grounds.



2. The writ petitioner's father was employed as Senior Revenue Inspector under the first respondent board and he died in harness on 19.03.2005, while he was in service. The writ petitioner is the son of deceased employee. Thereafter, the petitioner submitted an application on 17.03.2008 along with the revenue records to the third respondent seeking appointment on compassionate grounds. The said application was returned by the third respondent on 03.04.2008 and directed the petitioner to resubmit the application along with further documents. Thereafter, the petitioner has resubmitted the application along with the said documents and the said application was submitted within a period of three years from the date of death of his father. However, the respondent has rejected the application on the ground that the petitioner has not completed 8th Standard on the date of submitting the application. Assailed by the said order, the writ petitioner has filed W.P.(MD).No.15831 of 2014 before this Court and by order dated 04.12.2020 this Court has passed an order allowing the writ petition, as follows:

"3. The Government issued comprehensive guidelines for providing appointment on compassionate ground in G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020. As per the said Government Order "the case of the writ petitioner is to be reconsidered". Accordingly, the impugned order passed by the third respondent in letter dated 25.08.2014 stands quashed and the respondents are directed to reconsider the case of the writ petitioner in the light of the Government Order issued in G.O.Ms.No.18, dated 23.01.2020, which is adopted by the respondent Electricity Board, within a period of twelve weeks from the date of receipt of a copy of this order."

3. The learned counsel for the petitioner submitted that despite to the said order, the respondent has rejected the application of the petitioner on the ground that the writ petitioner has not completed 8th Standard. The aforesaid reason stated in the order of the respondent was adjudged before this Court and therefore, this Court directed the respondent to consider the application of the petitioner in the light G.O.Ms.No.18 dated 23.01.2020, wherein the educational qualification prescribed by the Government is 6th Standard. Without considering the said G.O., the respondent board has simply rejected the application of the petitioner and therefore the same is liable to be set aside.

4. The learned Standing Counsel for the Board contended that the petitioner has not completed his 8th standard on the date of submitting the application within a period of three years. Further, as per the earlier board standing order the prescribed qualification was 8th Standard and therefore following the same, the respondent has



passed the present order and accordingly no ground has been made out to interfere with the order passed by the respondent.

5. This Court considering the submission of the rival parties and on perusal of the record, it is undisputed fact that the petitioner submitted an application on 17.03.2008 along with relevant documents seeking appointment on compassionate grounds due to the death of his deceased father in the respondent board. The aforesaid application was rejected on the ground that the writ petitioner has not completed 8th Standard as per the board proceedings. The said rejection order was challenged before this Court in W.P.(MD).No.15831 of 2014 and by order dated 04.12.2020, this Court has passed allowed the writ petition.

6. Therefore the said earlier rejection order passed on the same reason was the subject matter in the Writ Petition in W.P.(MD) No15831 of 2014 which was comprehensively considered and the respondent was directed to consider the case of the petitioner afresh in the light of the G.O.Ms.No. 18, Labour and Employment dated 23.01.2020 wherein the eligibility for educational qualification prescribed is 6th Standard. Therefore the reason, assigned in the order that the petitioner has not completed 8th Standard within three years period and is unsustainable and the same is contrary to the directions issued by this Court. Accordingly, this Court has no hesitation to interfere with the impugned order, as there is force in the contention of the petitioner. Therefore, the respondent has to consider the application on the basis of the Government Order in G.O.Ms.No. 18, Labour and Employment dated 23.01.2020 while considering the educational qualification.

7. In the light of the above, this impugned order is quashed and respondent is directed to consider the application of the petitioner in the light the order passed in W.P.(MD)No.15831 of 2014 and pass orders as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed with the above directions. No costs.

Sd/-

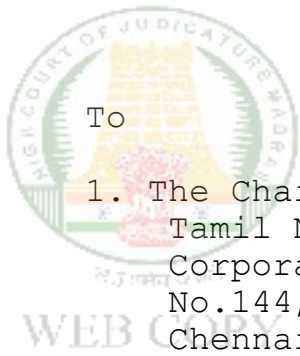
Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai - 2.
 2. The Chief Engineer/Establishment,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai -2.
 3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Meenakshinayakkanpatti,
Dindigul -2.
- +1 CC to M/s.S.KADARKARAI, Advocate (SR-27985[F] dated 02/09/2021)
- +1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-28157[F] dated 03/09/2021)

W.P. (MD) .No.13818 of 2021
02.09.2021

RD/JC(01.11.2021) 4P 6C