



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.1358 of 2018

(Through Video Conference)

WEB COPY

P.Balanagarajan

... Petitioner

Vs

1. The Chairman,
TANGEDCO, Chennai.

2. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli, Tirunelveli District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, by calling for the records of the impugned orders of the 2nd respondent in Ka.No.012450/222/Ni.A/Ni.P.3/U.3/Ko.Vaa.Velai/Karu.No.14/2015 dated 08.06.15 and Ka.No. 029404/ 750/ Ni.A /Ni.P.3/U.3/ Ko.Vaa.Velai/ Karu.No.14/2017 dated 04.12.17 and quash the same and consequently direct the respondents to provide the petitioner employment on compassionate ground within the time fixed by this Court.

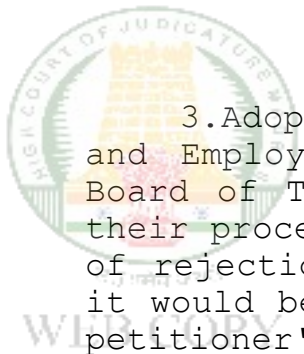
For Petitioner : Mr.H.Arumugam

For Respondents : Mr.T.Sakthikumar,
Standing counsel

O R D E R

Heard Mr.H.Arumugam, learned counsel for the petitioner and Mr.T.Sakthikumar, 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 made in Ka.No.012450/222/Ni.A/Ni.P.3/U.3/Ko.Vaa.Velai/Karu.No.14/2015 dated 08.06.2015 is quashed and the matter is remanded back to the second respondent for fresh consideration. The second 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 (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
TANGEDCO, Chennai.

2. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-5207[F] dated 15/02/2021)

Order made in

W.P. (MD)No.1358 of 2018

RK (29.04.2021) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>