



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.02.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P. (MD)No.24410 of 2016

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Kala

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
144, Annasalai,
N.P.K.R.R.Palace,
10th Floor,
Chennai 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai Distribution Circle,
Sivagangai.

...Respondents

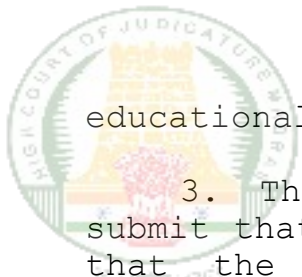
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the second respondent in proceedings No.00862/333/SVGDC/SVGAO/MP2/U1/KVV/2016, dated 12.09.2016 and quash the same and consequently, direct the second respondent to appoint the petitioner as any suitable post by compassionate appointment within the time frame fixed by this Court.

For Petitioner : Mr.N.Jeyaram Sidharth
for M/s. Chettinad Legal Solutions
For Respondents : Mr.T.Sakthikumaran
Standing counsel

O R D E R

This writ petition has been filed challenging the impugned order passed by the second respondent, dated 12.09.2016 and to quash the same and consequently, direct the second respondent to appoint the petitioner on compassionate ground.

2. The case of the petitioner is that the petitioner's husband joined as a Mazdoor in the respondent Corporation in the year 2010 and while he was in duty died on 02.09.2015, due to electrocution, leaving behind the petitioner, daughter, son and the mother. Hence, the petitioner has made an application for compassionate appointment to the second respondent, on 08.10.2015. However, the said application was rejected by the second respondent, on 12.09.2016, on the ground that the petitioner did not possess the minimum



educational qualification of 8th standard.

3. The learned counsel appearing for the petitioner would submit that the petitioner's application was rejected on the ground that the petitioner did not possess the minimum educational qualification of 8th standard. But, in the counter affidavit, it is stated that the petitioner's husband worked beyond the jurisdiction of his employment and the said averment was not stated in the impugned order and by way of counter, they cannot improve their case.

4. Per contra, the learned Standing counsel appearing for the respondents would submit that admittedly the petitioner's husband died during the employment. Though he was employed in different circle, after passing the impugned order, recently, the Tamil Nadu Generation and Distribution Corporation Limited issued the proceedings dated 11.06.2020, wherein, it is stated that for the entry level post, the dependent of the deceased TANGEDCO employee, who possessed IV Standard and above and hence, the matter may be remanded back to the second respondent for fresh consideration.

5. Heard the learned counsel for the petitioner, learned Standing counsel appearing for the respondents and perused the materials available on record.

6. The facts in the present case are not in dispute. The petitioner's husband died due to electrocution in the year 2015 and the petitioner has made an application for compassionate appointment well within the time ie., on 08.10.2015. It appears that the petitioner has two minor children and old age mother-in-law. The impugned order was passed on the ground that the petitioner has not possessed the minimum qualification of 8th standard and the other ground in the counter affidavit is untenable one. Further, in the Board proceedings dated 11.06.2020, particularly, in General Clause 14 (vi), it is stated as follows:

"(vi) However, instead of providing appointment as Sweeper for the dependent of the deceased TANGEDCO / TANTRANSCO Employee, who do not possess the minimum Qualification i.e., 8th Standard, but who have educational Qualification of IV Standard and above, may be appointed in any of the new post to be created. The scale of pay of the new post may be fixed at entry / starting level."

7. The above said provision makes it clear that the petitioner is entitled for compassionate appointment. Hence, the order passed by the second respondent, dated 12.09.2016 is set aside and the second respondent is directed to appoint the petitioner as Sweeper or anyone of the post, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. In the result, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-5194[F] dated 15/02/2021)

To

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai Distribution Circle,
Sivagangai.

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12.02.2021

na (CO)

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