



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI****W.P. (MD)No.6756 of 2016**

P.Saranya

... Petitioner

versus

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
144 Anna Salai, Chennai - 2.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
144 Anna Salai, Chennai - 2.
3. The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai - 7.

... Respondents

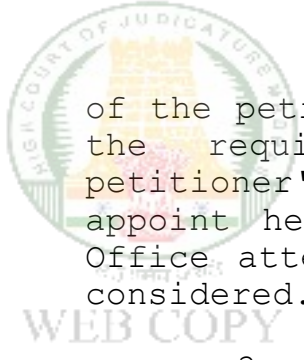
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, to call for the records relating to the 3rd respondent (i) Lr.No.U.Ni.A/Ma.Mi.Pa.Va/Ni.Me/Ni.Pi.2/Ou.Tha-3/Ko.Va.Ve/Aa.No.16/14 dated 10.01.2014; (ii) Lr.No.Me.Po/ Ma.Ma.Pa.Va /U.Ni.Aa/Ni.Me/Ni.Pi2/Ou.Tha-3/ Ko.Va.Ve/Aa.No.51/14 dated 07.02.2014 to quash the same and consequently, direct the respondents to provide compassionate appointment to the petitioner.

For Petitioner	:	Mr.R.Thangasamy
For Respondents	:	Mr.T.Sakthikumaran
		Standing Counsel

ORDER

This writ petition has been filed seeking for a direction to the respondents to provide compassionate appointment to the petitioner.

2. The case of the petitioner is that her father was employed as a Contract Labourer in the Electricity Board and later, he was absorbed as Field Helper in the year 1998. Thereafter, he was promoted as Wireman in the year 2001 and on 14.11.2005, while he was attending the line fault works, he died due to electrocution. Due to the sudden death of his father, the petitioner's family was in a penurious condition and therefore, her mother, who studied up to IV standard, applied for compassionate appointment. However, the 3rd respondent, by his proceedings dated 23.10.2008, rejected the claim



of the petitioner's mother on the ground that she was not possessed the requisite educational qualification. Thereafter, the petitioner's mother, on 20.07.2010, requested the 1st respondent to appoint her in any one of the suitable posts, namely, Gardener, Office attender, Sweeper. However, the said request was also not considered.

3. It is the further case of the petitioner that the petitioner has completed her 10th standard and attained majority on 05.06.2013 and thereafter, she got married. Since the petitioner's husband is a Tailor and the petitioner alone has to take care of her mother's family, she submitted the application before the 3rd respondent for compassionate appointment on 23.11.2013. The 3rd respondent, by his proceedings dated 10.01.2014, informed that the scheme does not provide any employment to the married daughter. Thereafter, the 3rd respondent, by his proceedings dated 07.02.2014, rejected the application on the very same ground. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that the petitioner was a minor at the time of death of her father. Therefore, the petitioner's mother submitted the application for compassionate appointment, on 10.10.2008, within three years from the date of death of her husband. However, the application was rejected on the ground that she was not possessed the requisite qualification. Thereafter, the petitioner's mother, on 20.07.2010, requested the 1st respondent, to give employment in any one of the suitable posts, however, the same was not considered. The learned counsel further submitted that though the petitioner has possessed requisite educational qualification, the application made by her was rejected on the ground that she was minor at the time of death of her father and the married daughter is not eligible for compassionate appointment. It is the duty of the respondent to assess financial hardship of the deceased family, while considering the application for compassionate appointment. But, in this case, it has not been done so. Therefore, the reason assigned by the respondent is unsustainable in law and prayed for allowing the writ petition.

5. The learned counsel appearing for the respondents would submit that as per G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the application for compassionate appointment should be made within three years from the date of death of a Government employee. In this case, the petitioner's father died in the year 2005. However, the petitioner's mother made the application only in the year 2010, beyond three years from the date of death of the employee. Moreover, the petitioner's mother has not possessed the requisite educational qualification. Therefore, the application made by the petitioner's mother was rejected. Further, the petitioner was minor at the time of death of her father. While



appointment, the petitioner got married. As per the said G.O.Ms.No.18, dated 23.01.2020, an unmarried daughter only is eligible for compassionate appointment. Therefore, her application was also rejected by the respondent. Hence, he prayed for dismissal of the writ petition.

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6. The very concept of giving a compassionate appointment is for the bereaved family to tide over the financial difficulties faced by it due to the untimely death of the breadwinner. Further, indigency is one of the relevant factors to be borne in mind while deciding on providing compassionate appointment.

7. In the present case on hand, the petitioner's father died on 14.11.2005. Immediately thereafter, the petitioner's mother applied for employment assistance on 10.10.2008. Since the petitioner's mother was not qualified for seeking employment assistance, her request was rejected by the 3rd respondent on 23.10.2008. Thereafter, the petitioner's mother has not proceeded with the same and only after the lapse of two years, the petitioner's mother, on 20.07.2010, requested the first respondent for appointment in any of the posts. Since the petitioner's mother studied upto 4th standard, the application made by her was rejected on the ground that she has not possessed the requisite educational qualification. Moreover, the petitioner was minor at the time of death of her father and she attained majority only on 05.06.2013. The petitioner also, on 23.11.2013, submitted an application for compassionate appointment, when she got married. As per G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, unmarried daughter alone is eligible for compassionate appointment. Therefore, the respondents have rightly rejected the application made by the petitioner on compassionate appointment. Though the petitioner claimed that she is in indigent circumstances and she has to take care of her mother's family, there is no material to prove the same. Hence, the Writ Petition is not maintainable.

8. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSIII)

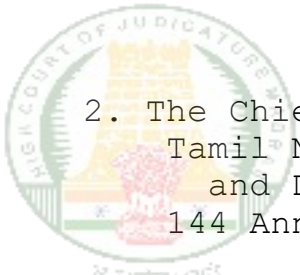
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/ /2021

Sub Assistant Registrar(CS)

To

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
144 Anna Salai, Chennai - 2.



2. The Chief Engineer (Personnel)
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and Distribution Corporation Ltd.,
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3. The Superintending Engineer,
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and Distribution Corporation Ltd.,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai - 7.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-4344[F] dated
10/02/2021)

W.P. (MD)No.6756 of 2016
10.02.2021

NA (CO)
KB(12.03.2021) 4P 5C