



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

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

Writ Petition (MD)No.23423 of 2017

P.Kannan

... Petitioner

Vs.

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

2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Generation
Distribution Corporation Limited,
K.Pudur,
Madurai -7.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the second respondent reference Ka.No.008454/384/me.Po/ma.me.Pa.Va/MDU/Ni.A/N1.Pi II/Ou 3/ 2016, dated 07.09.2016, to quash the same and consequently direct the respondents to provide employment assistance on compassionate grounds to the petitioner as sweeper.

For Petitioner : Mr.Sankar Prakash
for Mr.R.Thangasamy

For Respondents : Mr.T.Sakthi Kumaran
Standing counsel

O R D E R

This writ petition has been filed challenging the impugned order passed by the second respondent, dated 07.09.2016 and to quash the same and consequently direct the respondents to provide employment on compassionate ground to the petitioner as sweeper.



2. The case of the petitioner is that the petitioner's mother worked as Regular Part Time Sweeper in Thirumangalam Sub Station and died in harness on 29.10.2015, leaving behind her three sons viz., Rajendran, Moorthy and Kannan. Immediately thereafter, the petitioner made an application to the second respondent for compassionate appointment on 22.12.2015. Even after receipt of the same, there was no response from the second respondent. Hence, again the petitioner made representations dated 28.03.2016 and 19.07.2016 to the second respondent. However, the second respondent has not considered the petitioner's request. Therefore, the petitioner has requested the respondents on 08.09.2016, to furnish information about the status of the petitioner's representation. Thereafter, the second respondent has passed the impugned order on 07.09.2016, rejecting the petitioner's request on the ground that the petitioner's mother was a Part Time Sweeper and the said post was immediately lapsed on her death. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the impugned order was passed on the ground that the petitioner's mother was a Part Time Sweeper and the fact remains that the petitioner's mother was a Regular Part Time Sweeper in the time scale of pay of Rs.600-10-700-20-1100 with effect from 04.04.2003. Without considering the same, mechanically, the second respondent has passed the impugned order, which is unsustainable one and hence, he prayed, the matter may be remanded back for fresh disposal.

4. The learned Standing counsel appearing for the respondents has not disputed the fact submitted by the learned counsel for the petitioner to set aside the impugned order and remand back the matter for fresh consideration.

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

6. On perusal of the impugned order, it appears that the impugned order was passed as if the petitioner's mother was a Part Time Sweeper. A perusal of the appointment order of the petitioner's mother reveals that she was a Regular Time Sweeper in the time scale of pay of Rs.600-10-700-20-1100. But, the second respondent, without application of mind, passed the impugned order. Hence, the impugned order dated 07.09.2016 is set aside and the matter is remanded back to the second respondent for fresh consideration and the second respondent is directed to consider the same and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

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/ /2021

Sub Assistant Registrar

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 cum Managing Director,
Tamil Nadu Electricity Generation
Distribution Corporation Limited,
144, Anna Salai,
Chennai-2
- 2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Generation
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+1 CC to M/s.T.ARUL, Advocate (SR-1943[F] dated 25/01/2021)

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MS/27.02.2021/3P.4C