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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

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THE HON'BLE MR JUSTICE D.KRISHNAKUMAR

W.P.NO.2771 OF 2022

D.Keerthana

... Petitioner

.Vs.

1. The Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.

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

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pass an order to the representation dated 09.11.2021 for compassionate appointment in accordance with law and well established practice in the matter of compassionate appointment.

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.P.Subramanian
For TNEB

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the first respondent to pass an order to the representation dated 09.11.2021 for compassionate appointment in accordance with law and well established practice in the matter of compassionate appointment.



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2. The case of the writ petitioner is that she is the daughter of the deceased employee G.Dayalan and he died during his employment on 26.02.2010. The writ petitioner being the daughter of the deceased employee, has submitted an application on 03.01.2013 and thereafter, the said application was forwarded by the second respondent to the first respondent. Thereafter, it was informed by the 1st respondent that the petitioner should obtain no objection certificate from the second wife of the deceased employee and her two sons. The petitioner, as the only legal heir of the deceased employee is eligible for the appointment on compassionate ground as on date of submitting the application and the aforesaid application is pending with the second respondent board for the past 12 years and no orders has been passed. Therefore, the petitioner sent a representation on 09.11.2021 to the first respondent, but the same was not considered till date. Hence the instant writ petition.

3. The learned Standing Counsel appearing for the respondent board submitted that the petitioner's application shall be duly considered, after serving notice to the aggrieved persons, if any and thereafter, appropriate orders will be passed by the respondent board.

4. It is submitted by the learned counsel for the writ petitioner that the respondent board has been insisting upon the petitioner to get no objection certificate from the second wife of the deceased employee, namely, Malarkodi and her two sons, namely D.Arish and D.Rajani. The aforesaid children of the said Malarkodi were minors at the time of submitting the application.

5. Considering the limited scope of the prayer and also taking note of the proceedings of the respondent board, without going into the merits of the case, this Court is inclined to direct the first respondent to consider the petitioner's application dated 09.11.2021 and pass appropriate orders in accordance with law, if necessary after giving affordable opportunity to the aggrieved parties concerned, as early as possible, more preferably within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To

1. The Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
The Tamil Nadu Electricity Board,
Chengalpattu Electricity Distribution Circle,
Chengalpattu.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.10133
+1cc to Mr.A.S.Baalaji, Advocate, S.R.No.10149

W.P.NO.2771 OF 2022

MG (CO)
PBS/01/03/2022