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W.P.No.29859 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29859 of 2016

R.Ramamanikandan

... Petitioner

Vs.

1.The Secretary, Government of Tamil Nadu,
Energy Department,
Secretariat, Chennai – 600 009.
(Near Bank of Baroda),
Tirvallur – 602 001.

2.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai,
Chennai – 600 002.

3.The Superintending Engineer,
Chennai Electricity Distribution Circle (North),
Tamil Nadu Generation and Distribution Corporation Limited,
791, Anna Salai,
Chennai – 600 002.

4.Sundari

5.Guna Soundari

... Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned letter No. 4913-3/ADM III/ADS/A3/F.T. Benefit/13 Date 30/05/2013 and quash the same in so far as directing the petitioner to produce a court decree resolving the dispute between the 4th and 5th respondents for getting the petitioner appointment on compassionate ground and directing the respondents to pass orders in accordance with law on his petition seeking appointment on compassionate ground and appoint the petitioner in any suitable post as per the educational qualification of the petitioner

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.S.Rajesh
Government Advocate
for R1

Mr.P.Subramaniam
for TANGEDCO – R2 and R3

Mr.V.S.Rameshkumar for R4
No Appearance for R5

ORDER

The order of rejection dated 30.05.2013, rejecting the application dated 24.09.2007 submitted by the petitioner for providing appointment on compassionate ground is under challenge in the present writ petition.



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2.The petitioner states that his father Late.Mr.P.Ramamurthy was working as an Assistant Accounts Officer and died on 03.12.2005, while he was in service. The petitioner was a minor at the time of the death of his father. Thereafter, he completed B.C.A., and M.C.A., in Bharadhidasan University. Subsequently, the petitioner submitted an application in the year 2007, for providing an appointment. The said application was rejected by the official respondents on the ground that there are counter claims between the legal heirs of the other wife and also by the wives. In the event of any family dispute in this regard, the parties have to approach the competent civil court to resolve the disputes and thereafter, submit an application seeking appointment on compassionate grounds.

3.In the present case, the learned counsel for the respondents made a submission that the terminal benefits are yet to be settled on account of the family dispute. Even the pensionary benefits are also not settled. This being the factum, the petitioner and other persons claiming the benefits of the deceased employee have to approach the competent court of law to resolve the family



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disputes and only after reaching finality in respect of the family dispute, the eligible persons have to approach the competent authorities for settlement of the service benefits.

4. With these observations, this writ petition stands disposed of. No Costs.

27.09.2022

Index : Yes
Internet : Yes
Speaking order
ssr

To

1. The Secretary, Government of Tamil Nadu,
Energy Department,
Secretariat, Chennai – 600 009.
(Near Bank of Baroda),
Tirvallur – 602 001.

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S.M.SUBRAMANIAM, J.

ssr

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