



WEB COPY



W.P.No.26592 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26592 of 2018

G.Sagunthala

... Petitioner

-Vs-

1. The Chairman,
TamilNadu Generation and Distribution Corporaiton (TANGEDCO),
No.144, Anna Salai, Chennai-600002.
2. The Chief Engineer (Personnel),
TamilNadu Generation and Distribution Corporaiton,
No.144, Anna Salai, Chennai-600002.
3. The Superintendent Engineer,
Purchase and Administration,
Mettur Thermal Power Station-I,
TANGEDCO, Mettur dam-6
Salem District.
4. Tmt.Pushphalatha ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 to 3 to consider and pass orders on the representation of the petitioner dated 28.8.2018.

For Petitioner : Mr.M.P.Rajavelayutham

For Respondents : No Appearance [for R1 to R3]

: Mr.S.Vijaya Kumar [for R4]



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ORDER

The relief sought in the present writ petition is to direct respondents 1 to 3, to consider and pass orders on the representation submitted by the writ petitioner on 28.08.2018.

2. The petitioner states that his deceased son Mr.Srinivasan, served as a Helper in the third respondent Tamil Nadu Electricity Board. He married the fourth respondent Tmt.Pusphalatha and on account of certain family disputes, the fourth respondent refused to live with the son of the writ petitioner. Subsequently, the son of the writ petitioner died on 06.09.2013. Thereafter, the fourth respondent is residing separately and the petitioner states that there was nobody to look after her.

3. The petitioner states that the fourth respondent completed M.Sc., M.Phil. courses and is working as a Professor and Head of the Department in Vivekananda College, Elanchipalayam and getting a sufficient salary. The fourth respondent received the pensionary benefits of the deceased son of the petitioner and therefore, the petitioner submitted a representation to respondents 1 to 3, not to provide an



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appointment to the fourth respondent in the Tamil Nadu Electricity Board on compassionate grounds.

4. The learned counsel appearing on behalf of the fourth respondent made a submission that the petitioner also got a share from the terminal benefits of the deceased employee i.e., a sum of Rs.2,55,000/-, since the petitioner is also a class-I legal heir of the deceased employee. The petitioner, not being satisfied with the share received, had gone to the extent of sending a representation to respondents 1 to 3, not to provide employment on compassionate grounds to the fourth respondent. One can understand the objection if the petitioner is otherwise eligible for appointment on compassionate grounds. However, even at the time of filing of the writ petition, the petitioner was aged about 60 years and now she would be around 64 years old. Thus, there is no reason to raise an objection to provide an appointment to the fourth respondent on compassionate grounds. It is for the fourth respondent to take a decision and submit an application seeking an appointment on compassionate grounds or not.



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5. The objection raised by the petitioner seems to be inhuman and as the mother-in-law of the fourth respondent, she ought not to have reached such an unnecessary objection for providing appointment of compassionate grounds to the fourth respondent, which would not provide any gain for the petitioner. The ill motive of the fourth petitioner mother-in law is expressed through her representation. The Court cannot consider such ill motives of the mothers-in-law, who all are harsh towards their daughters-in-law.

6. Legal entitlement is an individual right. In a family of a deceased employee, one eligible legal heir is entitled to get a compassionate appointment, in terms of the conditions of the scheme. In the present case, the mother of the deceased employee / writ petitioner was already over aged at the time of the death of her son and therefore, she is not entitled to appointment on compassionate grounds. It is the choice of the fourth respondent, either to avail the benefit of compassionate appointment or not, and in this regard, the fourth respondent is at liberty to take a decision. In the event of submitting any application by the fourth respondent, the same is to be considered by the competent authorities on



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merits and in accordance with law as per the terms and conditions of the
compassionate appointment.

7. However, the objection raised by the petitioner cannot be considered and the said objection cannot stand in way of the authorities in considering the case of the fourth respondent for compassionate appointment, since the writ petitioner is absolutely ineligible to avail the benefit of appointment on compassionate grounds.

8. In view of the facts and circumstances, the petitioner has not established even a semblance of a legal right to consider the relief as such sought in the present writ petition. Accordingly, the writ petition stands **dismissed**. However there shall be no order as to costs.

01.12.2022

Index : Yes
Speaking order
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S.M.SUBRAMANIAM.J.,

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To

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