



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 11351 of 2021

T.Mariamammal

... Petitioner

Vs.

1. The Chairman and Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Establishment),
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO,
Tirunelveli.

... Respondents

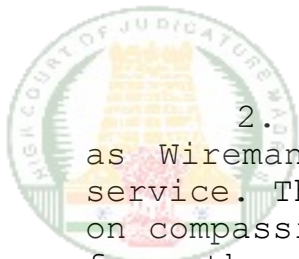
PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the third respondent in connection with the impugned order of rejection passed by him in Ka.No.011512/191/Ne.Aa/Ne.P3/O3/Ko.va.velai/Va.No.03/2019 dated 27.05.2019 as well as Ka.No.008523/196/Ne.Aa/Ne.P3/O3/Ko.va.velai/2021 dated 22.04.2021 and quash the both as illegal and arbitrary and consequently direct the respondents to consider the petitioner case under compassionate appointment in any suitable post based on her qualification with all consequential benefits.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.S.Arivalagan

O R D E R

The order of rejection dated 22.04.2021 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present Writ Petition.



2. The husband of the petitioner one Shanmugaiya was working as Wireman in TANGEDCO and died on 01.01.2016, while he was in service. The petitioner submitted an application seeking appointment on compassionate ground on 14.08.2018 within a period of three years from the date of death of the deceased employee. However, the respondents returned the application on the ground that the petitioner has to establish the legal heirship, as there was a dispute in the family. Accordingly, the petitioner filed O.S. No. 225 of 2018 and obtained decree on 02.01.2019 declaring that the petitioner and her children and her mother-in-law are the legal heirs of the deceased employee. When a Competent Civil Court issued a declaration in favour of the petitioner and declaring the legal heirs, the second application submitted by the writ petitioner in the year 2019 cannot be rejected, as the petitioner has originally submitted an application on 14.08.2018 itself within a period of three years from the date of death of the deceased employee. Therefore, the order of impugned rejection is not in consonance with the scheme of compassionate appointment. The first application submitted is to be considered along with the documents produced by the writ petitioner.

3. Accordingly, the order impugned passed by the third respondent vide proceedings in Ka.No.011512/191/Ne.Aa/Ne.P3/O3/Ko.va. velai/Va.No.03/2019 dated 27.05.2019 and Ka.No.008523/196/Ne.Aa/Ne.P3/O3/Ko.va.velai/2021 dated 22.04.2021 are quashed and the respondents are directed to reconsider the case of the writ petitioner for providing compassionate appointment in consonance with the terms and conditions of the scheme and take a decision as expeditiously as possible.

4. Accordingly, this Writ Petition is allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

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TANGEDCO,
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W.P. (MD) No. 11351 of 2021
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