



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3290 of 2019

WEB COPY

B.Usha

... Petitioner

vs.

1.The Superintending Engineer
Tamilnadu Electricity Board
Meenakshinayakkanpatti
Dindigul-2

2.The Executive Engineer
Tamilnadu Electricity Board
(Distribution)
Palani
Dindigul District

3.The Assistant Engineer
Tamilnadu Electricity Board
(Distribution)
Ayakudi
Palani Taluk
Dindigul District

4.B.Abirami

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents Nos.1 to 3 to cancel the 4th respondent's compassionate appointment order made in the year 2016 and consequently direct the respondents No.1 to 3 to provide appointment on compassionate ground to the petitioner based on her representation dated 24.11.2018 within the time limit stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.S.Arivalagan

Standing Counsel for R1 to R3

Mr.T.Indrachithu for R4

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 3 to cancel the fourth respondent's compassionate appointment order made in the year 2016 and consequently, to direct the respondents No.1 to 3 to provide appointment on compassionate ground to the petitioner based on her



representation dated 24.11.2018, within the time limit stipulated by this Court.

2. The husband of the petitioner Balamurugan was working as Wireman in the respondent - TANGEDCO and died on 23.02.2014 while he was in service. The petitioner submitted an application for compassionate appointment. However, appointment was provided to the fourth respondent, who is none other than the daughter of the petitioner based on the no objection letter given by the other legal heirs of the deceased employee. The grievance of the petitioner is that the fourth respondent is not looking after her and therefore, she has filed this writ petition to cancel the appointment provided to the fourth respondent on compassionate grounds.

3. This Court is of the considered opinion that once appointment on compassionate grounds is granted to the legal heir of the deceased employee, then the other legal heir cannot seek for further appointment.

4. The learned counsel for the petitioner made a submission that the petitioner is not insisting the relief to cancel the compassionate appointment granted to the fourth respondent, but she is seeking appointment for her on compassionate grounds. Further, the fourth respondent has also filed a sworn affidavit in this writ petition stating that she will pay 50% of the salary to the petitioner. In this regard, Paragraph No.4 of the affidavit is extracted hereunder:

"4. I submit that my monthly salary is Rs.24,000/- and I was given Rs.7,000/- per month after all deduction. Since the writ petitioner is none other than but my mother, I find no objection for share the 50% of my salary, which will be handed over to my hand after all deduction, to my mother."

5. In view of the above sworn affidavit filed by the fourth respondent, it is made clear the petitioner is entitled to get 50% of the salary as agreed by the fourth respondent in her affidavit.

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

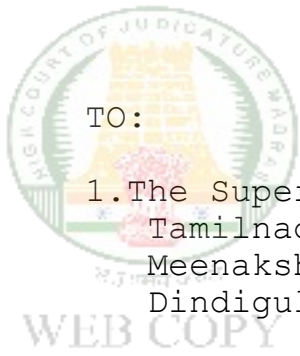
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TO:

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Tamilnadu Electricity Board
Meenakshinayakanpatti
Dindigul-2

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Palani
Dindigul District

3.The Assistant Engineer
Tamilnadu Electricity Board
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Ayakudi
Palani Taluk
Dindigul District

+1 CC to M/s.A.D. GANESHA MOORTHY, Advocate (SR-20354[F] dated
22/04/2022)

W.P. (MD) No.3290 of 2019
21.04.2022

RD(05.05.2022) 3P 5C