



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8568 of 2019

WEB COPY

G.Muthu Karthick

... Petitioner

vs.

The Superintending Engineer
Tirunelveli Electricity Distribution Circle
TANGEDCO, Tirunelveli

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the impugned orders of the respondent in Letter No.018468/482/NI.A/NI.P.3/U.3/Koo.Vaa.Velai/2016, dated 09.02.2017 and Letter No.029052/513/NI.A/NI.P.3/U.3/Koo.Vaa.Velai/2018, dated 04.12.2018 and quash the same and consequently, direct the respondent to provide employment to the petitioner on compassionate ground, within the time stipulated by this Court.

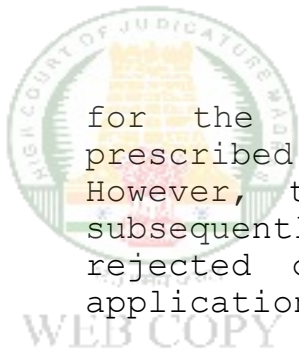
For Petitioner :Mr.H.Arumugam
For Respondent :Mr.S.Arivalagan,
Standing Counsel

O R D E R

The orders passed by the respondent rejecting the claim of the petitioner for compassionate appointment are under challenge in this writ petition.

2. The petitioner states that his mother Late.Valli was working as Helper in the Lower Camp at Papanasam Division in Tamil Nadu Electricity Board. She died on 23.11.2013, while she was in service. The petitioner submitted application seeking compassionate appointment within a period of three years. The said application was considered and rejected by the respondent on the ground that the petitioner was not possessing the minimum requisite educational qualification of eighth standard pass.

3. The learned counsel for the petitioner states that there are certain posts for appointment for which the ability to read and writing is sufficient and passing of eighth standard is not prescribed in the Board Regulations. Therefore, the reasons assigned by the respondent for rejection of the petitioner's claim are erroneous. However, the petitioner has completed eighth standard in the year 2017. After passing of eighth standard examination, again the petitioner submitted an application for compassionate appointment and the said application was also rejected vide proceedings dated 04.12.2018. Therefore, the learned counsel



for the petitioner states that eighth standard pass is not prescribed in the Board Regulations for certain categories of posts. However, the petitioner has passed eighth standard examinations subsequently and made another application and the same was also rejected on the ground that the petitioner has not submitted application within the prescribed period.

4. This Court is of the considered opinion that the second application is to be considered as continuation of the first application, in view of the fact that petitioner claiming that eighth standard pass is not required for appointment for certain categories of posts, including Watchman and Gardener etc. However, it is for the Authorities concerned to consider the same based on the Board Regulations applicable to various categories of posts. The petitioner has passed eighth standard examination subsequent to the first impugned order. This being the factum, the respondent ought to have reconsider the case of the petitioner in accordance with the revised Board Regulations based on the decisions of this Court.

5. Accordingly, the writ petition is allowed and the orders dated 09.02.2017 and 04.12.2018, passed by the respondent are quashed. The matter is remanded back to the respondent for fresh consideration. The respondent is directed to reconsider the application of the petitioner strictly in accordance with the revised Board Regulations, as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk
To
The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-6270[F] dated 15/02/2022)

+1 CC to M/s.S.ARIVALAGAN, Advocate (SR-6601[F] dated 16/02/2022)

W.P. (MD) No.8568 of 2019

14.02.2022

RK(22/02/2022) 2P 4C