



W.P.(MD)No.8605 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.8605 of 2019
and
W.M.P(MD).No.6716 of 2019

R.Kalaiyarasi

... Petitioner

Vs

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Dindigul Electricity Distribution Circle,
Meenatchinayakanpatti, Dindigul.
- 2.The Executive Engineer,
Operation and Maintenance (O & M),
Tamil Nadu Electricity Board, (TANGEDCO),
Ottanchattiram, Dindigul District.
- 3.The Assistant Executive Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board, (TANGEDCO),
Kannivadi, Dindigul District.
- 4.The Assistant Executive Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board, (TANGEDCO),
Pannaipatti, Dindigul District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the first respondent in Ka.No. 016734/583/Nipi.2/Ni.ou.1/Ko.Va.Ve/2012 dated 28.07.2012 and quash the same and consequently direct the first respondent to provide employment to the petitioner on compassionate grounds based on the education qualification by considering the petitioner's representation dated 31.05.2016 within a stipulated time.

For Petitioner : Mr.T.Palanisamy
for Mr.G.Sivaraja
For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband Thiru.Muthusamy was employed as Wireman in TANGEDCO. He died on 13.01.2011 while in service. He left behind the writ petitioner, three children and aged mother as surviving his legal heirs. The petitioner applied to the respondents on 14.03.2012 itself seeking appointment on compassionate ground. The petitioner's request was rejected primarily on the ground that on the date,



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when the application was made, the petitioner was not possessing the minimum educational qualification. Challenging the said stand of the respondents, this writ petition has been filed.

3.It is seen from the records that the petitioner subsequently passed 8th standard in September-2014 and 10th standard in March-2015. Thus, the petitioner is in possession of the basic minimum educational qualification. It is well settled that an application for compassionate appointment has to be given within three years. The petitioner's husband died in the year 2011. Eventhough an application for compassionate appointment is submitted, it is not as if the appointment is issued immediately, the applicants have to wait for their turn to arrive. In this case, the application was given within one year and the minimum educational qualification was also acquired in the year 2015. Therefore, considering the fact that the petitioner has to support three young children and also her aged mother-in-law, the respondents ought not to take a technical stand.

4.In this view of the matter, the order impugned in this writ petition is quashed. The petitioner is directed to be included in the panel



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for appointment on compassionate ground. The petitioner's seniority will be reckoned from March-2015, when she obtained the minimum educational qualification. As and when her turn comes, the respondents shall appoint her to any eligible post.

5.The Writ Petition stands allowed on these terms. No costs.
Consequently, connected Miscellaneous Petition is closed.

20.09.2022

Index : Yes/No

Internet : Yes/No

Rmk

To

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4. The Assistant Executive Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board, (TANGEDCO),
Pannaipatti, Dindigul District.



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