



W.P.No.11725 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE Mr. JUSTICE V. LAKSHMINARAYANAN

W.P.No.11725 of 2015

B.Rani

... Petitioner

Vs.

1.The Chairman -cum- Managing Director,
Tamil Nadu Electricity Board,
NPKRR Maligai,
Old No.800, New No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer (Personal),
TANGEDCO Ltd.,
NPKRR Maligai, Old No.800,
New No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
TANGEDCO Ltd., Tamil Nadu Electricity Board,
Kancheepuram,
Kancheepuram District.



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4.The Executive Engineer,
Kancheepuram Electricity Distribution Circle,
Tamilnadu Electricity Board,
Thriuvallur,
Thiruvallur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the relevant records pertaining to the order passed by the 3rd respondent herein vide his proceedings in Na.Ka.No.016090/ Ni Pi 2/ E.Ni. Vu./ Ko.Vu. Va.Vaa/ 2011 dated 07.04.2011, quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the respondents herein to appoint the petitioner on compassionate grounds in any suitable post commensurate with her qualification, consequent on the death of her husband Late.Basker on 17.09.2009 while serving as causal labour under the 4th respondent.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.A.David Sundar Singh

ORDER

The writ petitioner seeks consideration for an appointment on compassionate basis. The petitioner is a widow aged 39 years. Her



husband was working as a contract labourer with the respondents. His services were not regularized. There were many such workers like the writ petitioner's husband.

2.An industrial dispute was raised to regularise the services of 21,000 contract labourers who had put in between 3 to 10 years of service. By a Settlement dated 10.08.2007, 6,000 of the 21,000 contract labourers were regularised in the year 2005-2006. The Tamil Nadu Electricity Board also issued an order in BP (FB) No.44 (Adm.Br), dated 06.09.2007 to identify contract labourers to be appointed as casual labourers. The petitioner's husband along with 78 other persons moved the appropriate authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. This application was filed in the year 1998. The petitioner's husband was successful. The Inspector of Labour, Thiruvallur, was pleased to confer on them the permanent status in and by way of an order dated 20.10.2000.



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3.The Electricity Board challenged this proceeding by way of a Writ Petition. Pending the Writ Petition, the petitioner's husband was appointed as a casual labourer on 05.02.2009. Unfortunately, within a period of seven months he passed away on 17.09.2009.

4.It is pertinent to point out that those who worked with the petitioner's husband were regularised in service as labourers by the Electricity Board. This is by way of an order dated 20.11.2012.

5.The petitioner's husband had left behind him two sons and three daughters as his legal heirs. Therefore, the petitioner made a representation seeking for appointment on compassionate ground. However, it was rejected on the ground that her husband had not been regularised in service.

6.This issue is no longer *res integra*. It has been settled by the order of this Court in **R.Lakshmi v. Chief Engineer (Personnel)**,



Tamilnadu Electricity Board, Chennai and another [(2012) 6 MLJ

480]. This Court in Paras 34, 37 and 38 held as follows:

"34. On going through the ingredients of Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, we are of the considered view that the Petitioners husband, completed 480 days of work in a period of 24 calender months (during his lifetime), and would become automatically a permanent employee under the Respondents/Tamilnadu Electricity Board, because of the simple fact that the Section mandates the Respondents to confer permanent status on the Petitioners husband S.Raju and the conferment of permanent status to the Petitioners husband S. Raju / Employee / Workman would not depend upon his employer on his own or on a direction given by the competent authority under the Act.

37. Also, on the basis of Equity, Fair play, Good Conscience and even a matter of prudence, we direct the Respondents/Tamil Nadu Electricity Board Authorities to issue appropriate proceedings in making the petitioner's deceased husband Raju as a permanent employee of the Board and to pay the petitioner family pension, family benefit and other terminal benefits including Gratuity as



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per Rules and regulations from time to time in force. The Respondents are further directed to consider and dispose of the representation of the Petitioners dated 08.12.2003 and 08.01.2004 wherein she had prayed for Compassionate Appointment being provided to her daughter Valarmathi as per Rules and in accordance with law within a period of four weeks from the date of receipt of copy this order, (if not already considered and disposed of.)

38.The Respondents are directed to pay the Petitioners family pension and other terminal benefits including gratuity etc., due to be paid to the petitioners deceased husband within a period of eight weeks from the date of receipt of copy of this order. As such, the writ petition is allowed in above terms. No costs."

7.In the light of the above, the impugned order is set aside. The respondents are directed to reconsider the case of the petitioner, in case she satisfies all other requirements as required by the Scheme. It is made clear that by virtue of the order passed in this Writ Petition, the petitioner is not entitled to appointment as a matter of right. She still



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has to prove her indigency and other circumstances necessary to be considered for appointment.

With the above direction, this Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps

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V. LAKSHMINARAYANAN, J,

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