



W.P.No.29916 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29916 of 2011

M.Sheeba

.. Petitioner

VS

1.State of Tamil Nadu,  
rep. by its Secretary,  
Department of Electricity,  
Fort St. George,  
Chennai-600 009.

2.The Chairman,  
Tamil Nadu Electricity Board,  
Anna Salai,  
Chennai-600 002.

3.The Executive Engineer,  
CEDC/South, Tambaram,  
Tamil Nadu Electricity Board,  
Tambaram, Chennai-600 045.

4.The Chief Engineer (Establishment),  
Tamil Nadu Electricity Board,  
Administrative Branch,  
No.144, Anna Salai,  
Chennai-600 002.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the fourth respondent in his order in Ref. No.039187/208/G10/G101/2010 dated 3.8.2010 and quash the said order and direct the fourth respondent to consider providing suitable employment to the petitioner on compassionate grounds.

For the Petitioner : Mr.J.Antony Jesuraja

For the Respondents : Mr.T.K.Saravanan  
Government Advocate  
for respondent No.1

: Mr.David Sundar Singh  
Standing Counsel  
for respondent Nos.2 to 4

### ORDER

This writ petition is filed challenging the impugned order dated 3.8.2010, in and by which the request of the petitioner for compassionate appointment was rejected.

2. The petitioner is the wife of late Vedamuthu @ Muthu.



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3. It is the contention of the petitioner that her husband was employed with the fourth respondent as contract labourer. He was also enlisted as permanent contract labourer. While so, he died in harness on 31.1.2010. Thereafter, the petitioner has made an application dated 2.7.2010 to appoint her on compassionate basis. In reply to her application, an order was passed on 3.8.2010 stating that there is no provision for appointment on compassionate basis in respect of the employees who are not permanently employed with the Board. Aggrieved by the same, the present writ petition is filed.

4. Mr.J.Antony Jesuraja, learned counsel appearing on behalf of the petitioner, submitted that as a matter of fact the respondent Board is an industrial establishment within the meaning of the Tamil Nadu Industrial Establishments (Conferment of permanent status to workmen) Act, 1981. As per Section 3(1) of the said Act, if the employee had put in continuous service of 480 days within the period of two years, then the respondents are liable to confer permanent status to the said workman. In respect of several



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contract employees, the respondents themselves have appointed One Man Commission and thereafter conferred the permanent status. Merely because the conferment of permanent status was delayed in respect of the petitioner's husband, the same cannot be put against the petitioner.

5. I have considered the submissions made by learned counsel for the petitioner and also perused the materials available on record.

6. Even though it is alleged that the petitioner's husband was working as on the date of his death in the year 2010, during his life time, no steps were taken by the petitioner's husband to get a declaration before the appropriate authority conferring permanent status. As a matter of fact, pursuant to the report of Justice Khalid Commission, several contract employees were made permanent and it seems that even in the said list the petitioner's husband was not made permanent.



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7. In the light of the above, it is clear that as on the date of the death of the petitioner's husband, he was not a permanent employee of the Board and, hence, the scheme of compassionate appointment is not applicable and the respondents are right in rejecting the application of the petitioner.

8. In the result, finding no merits, the writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2011 is closed.

30.11.2023

Index : Yes  
Neutral Citation : No  
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To

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D.BHARATHA CHAKRAVARTHY,J.

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