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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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THE HONOURABLE Mr. JUSTICE R.VIJAYAKUMAR

W.P.No.38949 of 2016
and
W.M.P.No.33356 of 2016

R. Kanchana

... Petitioner

Vs.

1. The State of Tamil Tamil Nadu
Secretary to Government
Department of Energy
Fort St. George, Chennai – 9

2. The Chairman
Tamil Nadu Electricity Board (TNEB)/ TANGEDCO
Anna Salai, Chennai 2.

3. The Executive Engineer
Tamil Nadu Electricity Board (TNEB)/ TANGEDCO
Vellore, Vellore District.

4. The Assistant Engineer,
Tamil Nadu Electricity Board (TNEB)/ TANGEDCO
Sholinghur Division
Sholinghur, Vellore District.
Respondents

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PRAYER: This Writ petition is filed under Article 226 of the Constitution of India seeking for a writ of Mandamus directing the first respondent Government to consider petitioner's request for any suitable job in the 4th respondent office as a compassionate appointment within a time limit and pass orders.

For Petitioner : Mr.S. Arunkumar
For Respondent-1 : Mr. M. Shahjahan
Special Government Pleader
For Respondents 2 to 4: No Appearance

O R D E R

The present writ petition has been filed seeking for a writ of Mandamus directing the first respondent-Government to consider the request of the petitioner for any suitable job in the 4th respondent office on the ground of compassionate appointment.

2. According to the petitioner, she is the legally wedded wife of one D.Raja and out of the said wedlock a daughter was born to her. The



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said Raja was employed as Commercial Assistant in the Tamil Nadu Electricity Board, Sholinghur Walaja Taluk ,Vellore District. According to the petitioner herein, her husband is missing from 15.02.2014 and she lodged a complaint on 20.02.2014 in S15, Selaiyur Police Station in Cr.No.896 of 2014. The petitioner has further stated that her mother-in-law had also lodged a police complaint in Viruthampattu police station, Vellore, Vellore District in Crime No.606 of 2014. Both the F.I.Rs has been lodged as Man Missing case.

3. The petitioner has further submitted that her Mother-in-law has filed a HCP.No.2109 of 2014 and she has also filed a similar petition in H.C.P.No.2325 of 2014 and both were closed on 03.11.2015 directing the Selaiyur Police to proceed with investigation in Cr.No.896 of 2014 and to take steps to secure the husband at the earliest.

4. According to the petitioner, her husband is missing for more than 2.5 years and the dependents of the said Raja are put to great hardship. Therefore, she has sent a representation on 01.05.2016 to the respondents herein seeking compassionate appointment, pension and



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other benefits. The Superintendent, Sholinghanallur Division has sent a communication to the District Collector, Vellore stating that they were awaiting for the report of the police officers and based on the report they would proceed further. However, since there was no positive response, seeking for compassionate appointment, the present writ petition has been filed.

5. On going through the averments in the affidavit it is seen that the request for the compassionate appointment has been made within 2.5 years from the date of petitioner's husband missing. Therefore, it is clear that 7 years has not been lapsed from the date when the petitioner's husband went missing. Considering the limited scope of the prayer sought for by the petitioner, this Court directs the second respondent in the writ petition to consider the request of the writ petitioner in the light of G.O.No.18 Labour and Employment dated 23.01.2020 and pass orders on merits within a period of eight weeks from the date of receipt of a copy of this order.



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6. This writ petition is disposed of with the above said directions.

Consequently the connected miscellaneous petition is closed.

06.03.2023

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Internet: Yes/No

Index: Yes/No

To.

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R.VIJAYAKUMAR,J.

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