



W.P.No.43254 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.43254 of 2016

Thirumaniraja

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Generation and
Distribution Company (TANGEDCO),
144, Anna Salai, Chennai – 2.

2.The Superintending Engineer,
Electricity Distribution Circle,
TANGEDCO, Kallakurichi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in Ka.No.3517 / 98 /Adm.2/ U.5/Koo.Va.Vaa/ 2016, dated 27.09.2016 on the file of the second respondent herein and quash the same and consequently direct the respondent to provide job assistance on compassionate ground in light of the order dated 08.07.2015 made in W.P.No.20137 of 2015 filed by petitioner herein.

For Petitioner : Mr.B. Manoharan

For Respondents : Mr.K. Rajkumar



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ORDER

The petitioner's mother, who was serving in the respondent/Company, had died in harness on 17.07.2012. The petitioner's request made for appointment on compassionate ground on 19.05.2015, was rejected through the impugned order dated 27.09.2016 by the respondents, predominantly on the grounds that he did not possess the minimum qualification of 8th Standard and further, he had crossed the upper age limit of 35 years. Challenging the same, the present Writ Petition has been filed.

2. Today, when the matter was called, the learned standing counsel for the respondents, produced a copy of the proceedings of the respondents in (Per.) FB TANGEDCO Proceedings No.11, Administrative Branch, dated 11.06.2020, in which the modified guidelines of the employment assistance on compassionate grounds to the deceased employee's legal heirs, was passed. As per Clause 6(iii) of the guidelines, the maximum age limit for the legal heir of the deceased employee is 40 years at the time of applying. Likewise, in Clause 14(vi), the minimum educational qualification for the post, has been reduced to 4th Standard.



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3. At the time of filing of the Writ Petition, the petitioner was 37 years old and he also claims to have possessed the qualification till 4th Standard.

4. The learned standing counsel further fairly submitted that if the petitioner approaches them, seeking for compassionate appointment, the same shall be considered in accordance with the revised guidelines under the scheme for employment assistance on compassionate grounds dated 11.06.2020.

5. In the light of the submissions made, the impugned order dated 27.09.2016 passed by the second respondent, which is opposed to the present guidelines, is hereby quashed. Consequently, there shall be a direction to the petitioner, to make an appropriate representation before the concerned respondent, enclosing the copy of this order. On receipt of such representation, the respondents herein shall process the petitioner's original application dated 19.05.2015, together with representation and pass appropriate orders in the light of the submissions made by the respondents' counsel, as well as the observations made in this order. Such positive



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M.S.RAMESH,J.

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orders shall be passed atleast within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs.

07.02.2023

Speaking/Non-speaking Order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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To

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