



W.P.No.29247 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29247 of 2017

K.Kumara Raja
S/o.Late Shri.Kurusamy

... Petitioner

Vs.

1. The Chairman,
The Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
Anna Salai, Chennai - 600 002.

2. The Superintending Engineer, (P&A),
Mettur Thermal Power Station - 1,
TANGEDCO, Mettur Dam - 6.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the record in Letter No.12899/2014/Adm.2(4)/Koo.Ni.Ma/2017 dated 25.04.2017 by the second respondent and quash the same and consequently, direct the respondents to comply with the award dated 20.09.2004 made in I.D.No.482 of 2000 on the file of the Labour Court, Salem and order passed by the Hon'ble Division Bench of this Court dated 26.11.2015 made in W.A.No.1649 of 2015 and provide job assistance to the petitioner.



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For Petitioner : Mr.B.Manoharan

For Respondents : No appearance

ORDER

The Writ Petition has been filed to call for the records in Letter No.12899/2014/Adm.2(4)/Koo.Ni.Ma/2017 dated 25.04.2017 passed by the second respondent and quash the same and consequently, direct the respondents to comply with the award dated 20.09.2004 made in I.D.No.482 of 2000 on the file of the Labour Court, Salem and the judgment delivered by the Hon'ble Division Bench of this Court dated 26.11.2015 made in W.A.No.1649 of 2015 and provide job assistance to the petitioner.

2. The petitioner's father while working in the respondent Board as contract labourer died on 26.06.1996 when the petitioner was aged about nine years. After the death of his father, the Central Organization of the Tamil Nadu Electricity Employees raised a Industrial Dispute in I.D.No.482 of 2000 before the Labour Court, Salem. By award dated 20.09.2004, the



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Labour Court allowed the claim and directed the respondent Board to provide job assistance to one of the legal heirs of the deceased 17 employees. Aggrieved by the same, the respondent Board filed a Writ Petition in W.P.No.18646 of 2006 before this Court. By order dated 23.04.2010, this Court dismissed the Writ Petition. Against the dismissal, the Board has filed a Writ Appeal in W.A.No.1649 of 2015, which was also dismissed. Ultimately, the award dated 20.09.2004 made in I.D.No.482 of 2000 attained finality.

3. In the meantime, the petitioner completed his Diploma in Computer Engineering and on behalf of the petitioner, his mother submitted an application for compassionate appointment to the respondent Board which was rejected by the second respondent vide letter dated 25.04.2017 on the ground that as per the award, the petitioner name was not mentioned as legal heir. Challenging the same, his mother filed a petition dated 18.05.2017 before the first respondent, which is pending disposal. The petitioner now seeks to set aside the letter dated 25.04.2017 and to



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consequently, direct the respondents to comply with the award dated 20.09.2004 made in I.D.No.482 of 2000 by following the judgment made in W.A.No.1649 of 2015.

4. The learned counsel for the petitioner reiterated the contentions set out in the affidavit filed in support of the Writ Petition and submits that the petitioner's mother while applying for compassionate appointment had enclosed all the necessary documents substantiating her claim for compassionate appointment in favour of the petitioner. The learned counsel also submits that the petitioner's mother has also submitted a 'No Objection Certificate' from the brothers of the petitioner. However, without considering the documents submitted by the petitioner's mother, the second respondent had rejected the claim for compassionate appointment. Hence, the learned counsel for the petitioner seeks for setting aside the impugned letter and direct the respondents to comply with the award passed by the Labour Court.



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5. Though the name of the learned counsel for the respondents have been printed in the cause list, no one is appearing on behalf of them.

6. It is not in dispute that the petitioner's father was working in the respondent Board as casual labourer and died while in service. It is also not in dispute that, by the award dated 20.09.2004 in I.D.No.482 of 2000, the Labour Court directed the respondent Board to provide compassionate appointment to the legal heirs of the deceased 17 employees. However, the Board challenged the award unsuccessfully before this Court and this Court vide judgment dated 26.11.2015 in W.A.No.1649 of 2015 had confirmed the award passed by the Labour Court. Thus, the challenge made to the award had attained finality by the orders of this Court. From the records, it is seen that, the petitioner's father died on 26.06.1996 and a Legal Heir Certificate was obtained on 09.09.1996, wherein in Serial No.2, the name of the petitioner was mentioned as 'son' and at that time, the petitioner was aged about nine years. It is true that, in the paragraph No.9 of the award, the name of the petitioner is not mentioned, whereas the name of the petitioner's



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mother was mentioned. However, in the operative portion of the award, i.e., in paragraph No.11, the Labour Court had directed that, the legal heirs of the deceased 17 employees in the petition shall be provided compassionate appointment depending upon their seniority and other terms and conditions. Thereafter, based on the award, the petitioner's mother has given a petition dated 18.05.2017 enclosing the Legal Heir Certificate. Therefore, this Court is of the view that, the petitioner is entitled to seek for compassionate appointment on the death of his father viz., Kurusamy.

7. Accordingly, the impugned letter dated 25.04.2017 passed by the second respondent is set aside and the Writ Petition is allowed. The petitioner is directed to submit a fresh representation along with the necessary documents including Legal Heir Certificate and No Objection Certificate from the other legal heirs along with the copy of this order within a period of four weeks from the date of receipt of a copy of this order enabling the second respondent to consider and pass appropriate orders and the same shall be considered by the second respondent in line with the



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directions provided in the award dated 20.09.2004 and the judgment delivered by this Court in W.A.No.1649 of 2015 and provide compassionate appointment to the petitioner within a period of four weeks from the date of receipt of a copy of the representation. No costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Chairman,
The Tamil Nadu Generation and Distribution
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Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer, (P&A),
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M.DHANDAPANI, J.

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