

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16868 of 2022
and WMP(MD)No.12228 of 2022

R.Rajkumar

... Petitioner

Vs

1. The Chief Engineer(Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai-2.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Thanjai Electricity Distribution Circle, No.1,
Vallam Salai, Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Letter No. 3333/Ni.P.3/Ni.U 2/Ko. Vaa.Ve/2022, dated 25.05.2022 and quash the same and consequently direct the first respondent to appoint the petitioner in any suitable post in the Tamil Nadu

Generation and Distribution Corporation Limited (TANGEDCO) with the consequential benefits.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Ms.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the impugned order of the second respondent in Letter No. 3333/Ni.P.3/Ni.U 2/Ko. Vaa.Ve/2022, dated 25.05.2022 and consequently direct the first respondent to appoint the petitioner in any suitable post in the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) with the consequential benefits.

2.Heard, Mr.T.Sundaravadanam, learned counsel appearing for the petitioner and Ms.M.Parameswari, learned Standing Counsel appearing for the respondents. Perused the materials on record.

3.(i).The petitioner's father one Rajasekar was employed as Wireman in the respondent Corporation. While he was in service, on

03.11.2015, he passed away. He was survived by his wife, two daughters and the petitioner.

(ii).On 03.11.2015, the petitioner made an application seeking appointment on compassionate grounds. On 14.11.2017, the respondent directed the petitioner to rectify certain defects and re-submit the same. Following which, the mistakes were rectified by the petitioner and resubmitted the application.

(iii)On 11.12.2017, the rejection order came to be passed on the ground that the petitioner did not possess minimum educational qualification, ie., pass in VIII Standard. Thereafter, after passing VIII standard, on 05.07.2021, the petitioner approached the respondents seeking appointment on compassionate grounds. The first respondent vide his letter, dated 03.08.2021 directed the second respondent to consider the petitioner's application, as per rules of the Corporation. However, on 25.05.2022, the impugned rejection order has been passed by the second respondent for the reason that the application has been made by the petitioner, beyond the period of three years, from the date of death of the Government employee. Assailing the same, this writ petition came to be filed.

4.The learned counsel for the petitioner has relied upon Clause 14(vi) of the Board proceedings of the respondent Corporation No.11, dated 11.06.2020. The relevant portion is extracted as follows:

“14.(vi). However, instead of providng appointment as Sweeper for the dependent of the eceased TANGEDCO/TANTRANSCO Employee, who do not possess the minimum qualification (i.e.) 8th Standard, but who have educational qualification of IV Standard and above, may be appointed in any of the new post to be created. The scale of pay of the new post may be fixed at entry/starting level.”

5.On the basis of the said Clause, this Court in W.P(MD)No.43254 of 2016 has passed favourbale orders to the petitioner therein and the relevant portion is extracted as follows:

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

6.Though the impugned order has been passed by the second respondent for the reason that the application seeking appointment on compassionate ground has been made beyond the period of three years, from the date of death of the employee, the respondents has to consider the application submitted by the petitioner in the first instance, which is within a period of three years, from the date of death of his father.

7.In view of the same, this Court hereby quash the impugned order passed by the second respondent in Letter No. 3333/Ni.P.3/Ni.U 2/Ko. Vaa.Ve/2022, dated 25.05.2022 and remit the matter back to the respondents and directing them to consider the case of the petitioner, in line with the order of this Court in WP(MD)No.43254 of 2016 and revised guidelines in the Board Proceedings, dated 11.06.2020, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

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L.VICTORIA GOWRI, J.

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