



W.P.(MD) No.7674 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.7674 of 2018
and WMP (MD) No.7293 of 2018

A.Ganesan

... Petitioner

-VS-

1.The Chief Engineer,
Personnel, TANGEDCO, Chennai.

2.The Superintending Engineer
Virudhunagar Distribution Circle,
TANGEDCO, Virudhunagar.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent in க.ண். 04300/நிபி/உதவி2/கோ.வாரிசு வேலை/2017 நாள்.20.03.2017 and the consequential impugned order of the 2nd respondent in க.எண். 08655/நிபி2/உதவி2/கோ.வாரிசு/2017 நாள்:05.06.2017 and quash the same and consequently direct the respondents herein to quash the same and consequently direct the respondents herein to consider and appoint the



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petitioner as Mazdoor/Watchman on compassionate basis as per Annexure-III of Regulation – 94 of 2015 corrected Tamilnadu Electricity Board Service Regulations with seniority within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Ms.M.Parameswari

ORDER

Challenging the impugned orders of the 2nd respondent dated 20.03.2017 and 05.06.2017, the petitioner is before this Court with this writ petition.

2. The case of the petitioner is that the petitioner's father, who was working as Mazdoor in Vembakottai died in harness on 01.07.2015 leaving the petitioner, his mother and three sisters as his legal heirs. The petitioner completed 4th standard and for compassionate ground appointment, the petitioner applied to the respondents on 13.03.2017. However, his request was turned down stating that the minimum qualification for Mazdoor/Watchman is



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8th standard and hence, the petitioner is not eligible to be considered. However, his request for alternative employment was also not considered. It is his further case that for the post of Mazdoor/labour, the educational qualification is not required as per the service regulations of the respondent department and as per the amended regulation, the educational qualification is fixed as 4th standard and the candidate should know to read and write Tamil and hence, the petitioner is eligible to be considered. Since the application was rejected, he is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that the petitioner's father died on 01.07.2015 and within a period of three years, ie., on 13.03.2017, the petitioner made application. However, the same was rejected on 20.03.2017 stating that the petitioner lacks qualification and the required educational qualification is 4th standard. He would further submit that in respect of the qualification for the post of Mazdoor/Watchman, the candidate should read and write Tamil and the rejection made by the respondents is illegal and hence, prays for appropriate direction.



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4. Per contra, the learned counsel for the respondents would submit that as per the Board proceedings, the candidates, who are eligible to apply, are the sons/unmarried daughter/deserted daughter/divorced daughter and their age limit should not be more than 35 years. She would further submit that as per the scheme of appointment, the candidate should apply within a period of three years from the date of demise of their father/mother, as the case may be. However, she would submit that the petitioner herein is aged 38 years and the qualification prescribed for the last grade servant is to read and write Tamil. Therefore, she would submit that the impugned order may be set aside and the matter may be remanded back to the respondents for fresh consideration.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the respondents, the impugned order is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall consider the case



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of the petitioner afresh and dispose of the application of the petitioner in terms of the scheme for compassionate appointment and pass orders within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs.

Consequently connected Miscellaneous Petition is closed.

16.02.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

RR

To

1.The Chief Engineer,
Personnel, TANGEDCO, Chennai.

2.The Superintending Engineer
Virudhunagar Distribution Circle,
TANGEDCO, Virudhunagar.



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M.DHANDAPANI, J.

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