



W.P.(MD).No.23105 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23105 of 2021

and

W.M.P(MD)No.19555 of 2021

Jansi Rani

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation Limited,
No.144,
Anna Salai,
Chennai.

2.The Secretary,
Tamil Nadu Generation & Distribution Corporation Limited,
No.144,
Anna Salai,
Chennai.

3.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation Limited,
Thanjavur-4. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ka.No. 001410/36/NiMe/NiPi.I/NiU2/Ko.Korikai/2018, dated 06.03.2018 on the file of the third respondent and the consequential impugned order in Ka.No.



W.P.(MD).No.23105 of 2021

007898/189/NiPi1/NiU1/Ko.Va.Vae/2020, dated 21.12.2020 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to provide appointment to the petitioner on compassionate grounds in any suitable post commensurate with her educational qualification.

For Petitioner : Mr.G.Karthick
for M/s.T.Lajapathi Roy Associates

For Respondents : M/s.M.Parameswari
Standing Counsel

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ka.No. 001410/36/NiMe/NiPi.I/NiU2/Ko.Korikai/2018, dated 06.03.2018 on the file of the third respondent and the consequential impugned order in Ka.No. 007898/189/NiPi1/NiU1/Ko.Va.Vae/2020, dated 21.12.2020 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to provide appointment to the petitioner on compassionate grounds in any suitable post commensurate with her educational qualification.



W.P.(MD).No.23105 of 2021

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2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

3. The petitioner's husband, who was working as a Foreman Grade I with the respondent Corporation while in service died on 15.12.2012. As a result of which, the petitioner's daughter S.P.Jenifa was provided appointment in the post of Junior Assistant on compassionate grounds in class III service and was serving under the respondent distribution circle from 23.07.2014. Unfortunately, the petitioner's daughter also died on 27.12.2016 within two years from the date of her appointment as Junior Assistant. The sole surviving legal heir of the said S.P.Jenifa is the petitioner. The petitioner made a detailed representation to the respondent Corporation seeking appointment on compassionate ground on 31.01.2018. However, the said application came to be rejected by the respondent vide order, dated 06.03.2018 on the ground that the petitioner has completed her age of 48.



W.P.(MD).No.23105 of 2021

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4. While so, the Government of Tamil Nadu vide notified Government Order in G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020 has issued comprehensive guidelines for appointment on compassionate grounds. Adopting the said order, the respondent Corporation vide Board Proceedings No.11, dated 11.06.2020 had framed new guidelines for appointment on compassionate ground. In view of the same, the petitioner made a detailed representation on 02.09.2020 seeking to reconsider her original application, dated 31.01.2018. Then, once again the respondent vide impugned order, dated 21.12.2020 rejected the petitioner's claim seeking compassionate appointment on the ground that the new Board Proceedings No.11, dated 11.06.2020 did not have any retrospective effect and in view of the same, the petitioner's application cannot be considered. G.O(Ms)No.18, dated 23.01.2020 mandates that a father or mother of the unmarried deceased Government Servant are considered as legal heirs, who are eligible for compassionate ground appointment. In addition to that, the age limit has been prescribed in the said G.O for the father or mother as 50 years on the date of death of the Government Servants.



W.P.(MD).No.23105 of 2021

WEB COPY

5. It is pertinent to mention here in this case that on the date of death of the employee S.P.Jenifa, the age of the mother, who is seeking compassionate appointment herein was just 48 years, that is, well within the maximum age as prescribed in the said G.O(Ms)No.18, dated 23.01.2020.

6. Hence, this Court is of the considered view that the respondents ought to have considered the application seeking compassionate appointment made by the mother of the deceased employee in the light of the G.O(Ms)No.18 and ought not to have rejected that mother is not entitled to seek compassionate appointment as a legal heir of the deceased employee.

7. The learned Standing Counsel for the respondents vehemently contended that the Board Proceedings of the respondent Corporation did not have any rules or board proceedings facilitating mother to be appointment on compassionate ground and hence, the petitioner's application is liable to be rejected and the learned Counsel for the respondents have also filed counter.



W.P.(MD).No.23105 of 2021

WEB COPY

8. However, this Court is inclined to adopt the mandates prescribed in G.O(Ms)No.18, dated 23.01.2020 and hereby quash both the impugned orders, dated 06.03.2018 and 21.12.2020 respectively and thereafter, this Court is inclined to direct the respondents to provide appointment to the petitioner on compassionate ground with any suitable post. This Court is inclined to direct the Chief Engineer Personnel to provide appointment to the petitioner on compassionate ground within a period of four (4) weeks from the date of receipt of a copy of this order.

9. This writ petition stands allowed, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

25.07.2023

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

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W.P.(MD).No.23105 of 2021

WEB COPY

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W.P.(MD).No.23105 of 2021

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.23105 of 2021

25.07.2023