



W.P(MD)No.25051 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25051 of 2022

A.Nazmajan

... Petitioner

Vs.

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

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited,
Recruitment Office,
NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

3.The Superintendent of Engineer / SEDC,
Tamil Nadu Generation and Distribution
Corporation Limited,
Sivagangai.

4.The Assistant Executive Engineer / Distribution,
Tamil Nadu Generation and Distribution
Corporation Limited,
Thirupuvanam,
Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to provide compassionate appointment pursuant to the order passed in க.எண். 020155/230/மேபொ/சிமிபவ/சிவ/நிஅ/நிபி2/உ1/கோ.வா.வே/2021 on 02.09.2021 of the third respondent based on the petitioner's representation, dated 03.02.2022 and 02.09.2022.

For Petitioner : Mr.T.S.Mohamed Mohidheen

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

ORDER

The present writ petition has been filed by a widow of an Assessor of the Tamil Nadu Electricity Board challenging the order passed by the third respondent herein.

2. The petitioner's husband was working as an Assessor in the Tamil Nadu Electricity Board and he had passed away on 01.09.2015, while he was in service. The petitioner has made an application on 29.05.2018 seeking compassionate appointment. However, the said request was rejected by the authorities on 30.07.2018 on the ground that the petitioner has not passed 8th standard. The said order was challenged by the petitioner in W.P(MD)No.2450



of 2021. This Court by an order, dated 10.02.2021 had set aside the said order and remitted the matter back to the respondents for fresh consideration in the light of Board proceedings. Thereafter, the present impugned order has been passed on 02.09.2021 again reiterating the said position with a rider that in case if any other vacancy arises, which does not require 8th standard as a qualification, the name of the petitioner would be considered. This order is under challenge in the present writ petition.

3. The learned Counsel appearing for the petitioner brought to the notice of the Court that the petitioner had passed 8th standard in December 2021. Therefore, according to the learned Counsel appearing for the petitioner, now there is no legal impediment for the authorities to consider her name for compassionate appointment to last grade service.

4. Per contra, the learned Standing Counsel appearing for the respondents had contended that the petitioner was not having the 8th standard qualification within three years from the date of death of the employee and therefore, the said qualification cannot be taken into consideration.



5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. As per the Board proceedings, any appointment to the last grade service requires the basic qualification of 8th standard. There is no dispute with regard to the said position of law. The request of the petitioner was rejected on the first occasion on the ground that the petitioner has not passed the 8th standard. The petitioner has now passed 8th standard in December 2021, but not within three years from the date of death of the employee. The Board has to consider the fact that the petitioner was solely relying upon her husband and she had not pursued her further education or career. Due to the sudden demise of her husband, she was shaken and she has taken some time to pursue her studies in order to earn a livelihood. Therefore, such a pedantic mechanical approach cannot be taken by the Board.

7. In view of the above said discussions, the respondent authorities are directed to grant compassionate appointment to the writ petitioner based upon her 8th standard qualification within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. With the above said direction, this writ petition stands disposed of.

There shall be no order as to costs.

14.12.2023

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

To

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4.The Assistant Executive Engineer / Distribution,
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R.VIJAYAKUMAR, J.

BTR

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