



W.P.No.17618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17618 of 2024

E.Ezhilarasi

... Petitioner

Vs.

1.The Tasildar
Vikravandi Taluk,
Villupuram District.

2.The Superintend Engineer
TANGEDCO,
Villupuram District,
Villupuram.

3.Vijayalakshmi
4.Minor.Mohanachandiran
5.Minor.Aruna

R4 & R5 Rep. by Natural Guardian Mother
Mrs.Vijayalakshmi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue a combined certificate to the petitioner by considering the petitioner representation dated 04.10.2023 and 28.03.2024 within time frame to be fixed by this Hon'ble Court.

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For Petitioner : Mr.D.Senthil Kumaar

For Respondents : Mr.U.Baranidharan for R1
Additional Government Pleader
Mr.P.Subramanian for R2
Mr.C.Iyyapparaj for R3 to R5

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to issue a combined certificate to the petitioner by considering the petitioner's representations dated 04.10.2023 and 28.03.2024 within a time frame.

2.The learned counsel appearing for the petitioner submitted that the petitioner's Father Elumalai was working as Wireman in the Tamil Nadu Electricity Board at Pillur at Villupuram District under the control of the second respondent Corporation. The petitioner's Father married the third respondent after the death of his first wife and the respondents 4 and 5 were born through the third respondent and the petitioner was born through the first wife. The petitioner's Father died on 11.06.2021 and thereafter the petitioner made representation to the second respondent seeking appointment on compassionate basis,



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however, the same was not considered.

3.The learned counsel appearing for the petitioner further submitted that the petitioner was orally informed that unless she obtain no objection certificate from the other legal heirs, her request for appointment on compassionate basis would not be considered. Further, the second respondent instructed the petitioner to obtain combined integrity certificate from the Tahsildar. The learned counsel further submitted that during the pendency of this writ petition, the matter was compromised between the petitioner and the private respondents and further submitted that the private respondents have no objection for the second respondent giving appointment to the petitioner on compassionate basis.

4.The learned counsel appearing for the petitioner filed the memo of compromise entered between the petitioner and the third respondent dated 30.10.2024 and the declaration affidavit filed by the petitioner's grandparents dated 30.10.2024 and submitted that this Court may issue direction to the first respondent to issue combined integrity certificate so as to enable the petitioner to secure the job.



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5.The learned counsel appearing for the second respondent submitted that if the petitioner produce the combined integrity certificate, the petitioner's candidature will be considered in accordance with the Electricity Board Guidelines.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.It is useful to extract hereunder the relevant portion of the memo of compromise entered between the petitioner and the third respondent, dated 30.10.2024, signed by the petitioner and by the third respondent on behalf of herself and on behalf of the respondents 4 and 5:

"9.Thus the Petitioner and the 3rd Respondent out of their own will and without any compulsion enters into this memo of compromise. Further the Parties/ the Petitioner and the 3rd Respondent had executed this Memo of Compromise voluntarily, on their own will without any Fear, Pressure, Force, Fraud, Undue Influence, Coercion in the presence of anyone, thereby



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agreeing to the terms mentioned hereunder:

(i)The Petitioner to duly apply for the appointment of the job on compassionate grounds and the 3rd Respondent who swears on behalf of herself and for her minor children the 4th and the 5th Respondent have no objection to the same;

(ii)the 3rd Respondent agrees to obtain a sum of Rs.10,00,000/- (Rupees Ten Lakhs) from the above said Provident Fund/ benefits as settlement for herself and her minor children apart from the insurance amount received as above said and the Petitioner has no objection to the same;

(iii)the remaining sum amounting to Rs.2,76,180/- (Rupees Two Lakhs Seventy Six Thousand One Hundred and Eighty) to be paid equally to the deceased Mr.Elumalai's parents namely Father Mr.Nagaraj Marimuthu aged about 72 years and Mother namely Mrs.Meenakshi aged about 67 years both residing at No.163/145, Vanoli Street, Tennamadevi, Villupuram – 605 601;

(iv)the deceased Mr.Elumalai's parents above



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said have duly given an undertaking affidavit that they have no objection with regard to the third respondent obtaining a sum of Rs.10,00,000/- (Rupees Ten Lakhs) from the above said Provident Fund/ benefits as settlement for herself and her minor children;

*(v)the 3rd respondent agrees to issue No Objection Certificate with regard to the 1st Respondent issuing the **"Combined Certificate"** to the Petitioner."*

8.It is also useful to extract hereunder the relevant portion of the declaration affidavit filed by the petitioner's grandparents, dated 30.10.2024:

"7] When pending the above case, we came to understand that a sum of Rs.12,76,180/- is pending with the 2nd respondent towards our deceased son's benefits to be payable to us. When pending the above case, the 3rd to 5th respondents came forward to settle the matter amicably and the 3rd to 5th respondents have informed that they have no objection that the 2nd respondent may issue a compassionate appointment order to our Granddaughter Viz



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E.Ezhilarasi (the petitioner herein). Hence, we have no objection to make payment or disburse a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the 3rd to 5th respondents from and out of our deceased son's benefits. Balance amount of Rs.2,76,180/- may be paid to us and the petitioner.

8] We hereby agree that we have no objection that the 2nd respondent may give a compassionate appointment order to our Granddaughter Viz E.Ezhilarasi (the petitioner herein)."

9. In view of the compromise entered between the petitioner and the third respondent and the declaration affidavit filed by the petitioner's grandparents, this Court issues the following directions:

(i) Since, the terminal benefits of the deceased Elumalai to the tune of Rs.12,76,180/- is still pending with the second respondent, the second respondent is directed to pay a sum of Rs.10 Lakhs in favour of the third respondent and a sum of Rs.2,76,180/- in favour of the petitioner's grandmother, by way of demand draft, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) The first respondent is directed to issue combined integrity



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certificate so as to enable the petitioner to secure appointment on compassionate basis.

(iii)The second respondent is further directed to not to insist No Objection Certificate from the respondents 3 to 5 since Memo of Compromise entered between the petitioner and the third respondent has been filed before this Court and the declaration affidavit of the petitioner's grandparents has also been filed before this Court, wherein everyone have given no objection for the second respondent giving appointment to the petitioner on compassionate grounds.

(iv)The second respondent is further directed to consider the representation of the petitioner seeking appointment on compassionate basis in terms with the Electricity Board Guidelines and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

10.The writ petition is disposed of on the above terms. No costs.

30.10.2024

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

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To

- 1.The Tasildar
Vikravandi Taluk,
Villupuram District.
- 2.The Superintend Engineer
TANGEDCO,
Villupuram District,
Villupuram.



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M.DHANDAPANI,J.
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30.10.2024