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W.P.No.24128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24128 of 2022

B.Jaya Bharath

...Petitioner

-Vs-

1. The Chairman cum Managing Director,
The Tamilnadu Generation and Distribution Corporation,
144, Anna Salai, Chennai-600 002.
2. The Chief Engineer Personnel,
The Tamilnadu Generation and Distribution Corporation,
144, Annasali, Chennai-600 002.
3. The Superintendent Engineer,
Ennore Thermal Power Station,
Chennai-600 057.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in connection with the impugned order bearing Ku.No.921/Ma.Po/E.A.Mi.Ni.V.T/Mu.Ni.A/Ni.Pi/Ni.U/Ko.VarisuVelai/2021 dated 20.09.2021 issued by the 3rd respondent and quash the same and further direct the respondent therein to extend the scheme of appointment under compassionate grounds to the petitioner by providing job assistance.



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For petitioner : Mr.K.Krishnamoorthy

For respondents : Mr.A.P.Venkatesh Prasad
for M/s.Agam Legal

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent dated 20.09.2021 thereby rejected the request made by the petitioner for seeking compassionate appointment.

2. The petitioner's father had joined in the respondent corporation on 01.09.1985 as contract employee. Despite completing more than 480 days of work continuously in a period of 24 calendar months, he was not absorbed by the respondent corporation. Similarly placed persons through their union i.e., Tamil Maanila Tholilargal Sangam filed writ petition before this Court in W.P.No.4769 of 1989 and this court passed final orders on 13.10.1998. Based on the said order, the TamilNadu Electricity Board absorbed the employees whose names were found in the association members list. The same was also confirmed by the Hon'ble Division Bench of this Court. As against the said Division Bench order, SLP(C).No.589 of



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2008 was filed before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India directed the respondents to reinstate the workers of Tamil Maanila Tholilargal Sangam. Therefore, the petitioner submitted application seeking compassionate appointment on the ground that the petitioner's father was absorbed in the regular post and since he died on 21.02.1992, the said order was not implemented.

3. On perusal of the order dated 20.09.2021, revealed that the petitioner's father was not a member of any association who filed writ petition before this Court. Therefore, he was not absorbed by the respondents. He died as contract employee and as such the petitioner is not entitled for compassionate appointment on the demise of his father. That apart, the petitioner's father died on 21.02.1992. After lapse of 29 years, the petitioner made a representation for compassionate appointment which shows that the situation prevailed in 1992 is not in existence today. That apart, the Hon'ble Division Bench of this Court while dismissing the Writ Appeal specifically directed the respondents to implement the order of the learned Single Judge by issuing necessary notification subject to the



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eligibility of the workman with reference to age of retirement from the service. However, by order dated 05.07.2007, the petitioner's father died in the year 21.02.1992.

4. Therefore, this court cannot find any infirmity or illegality in the order passed by the 3rd respondent. Hence, this Writ petition is dismissed.

No costs.

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Index : Yes/No
Internet: Yes/No
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To

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