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W.P.No.24127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24127 of 2024
and WMP No.26382 of 2024

M.Salsa

.... Petitioner

-Vs-

1.The Chairman
TANGEDCO
NPKRR Maaligai
144, Annasalai
Chennai 600 002.

2.The Chief Engineer (Personnel)
TANGEDCO
NPKRR Maaligai
144, Annasalai
Chennai 600 002.

3.The Superintending Engineer
Chengalpattu Electricity
Distribution Circle
Chengalpattu.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in No./365/Me.Po./semi pava/se/ne.a/ne.me/ne.p3/udavi 3/ko.va.ve/2022 dated .05.2022 an quash the same and consequently direct the respondents to grant appointment to the petitioner in compassionate ground due to death of her husband



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to any of the post which are commensurate with her educational qualification within a time frame to be fixed by this Court.

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For Petitioner : Mrs.Dakshayini Reddy
Senior Counsel
for Ms.S.Suneetha

For Respondents : Mr.David Sundar Singh
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated -- .05.2022 and for a consequential direction to the respondents to grant appointment to the petitioner on compassionate ground.

2.The case of the petitioner is that her husband Murthy was working as a Line Inspector in the Electricity Board. He died in harness on 15.10.2019. The petitioner submitted an application on 31.01.2020, seeking for compassionate appointment. The grievance of the petitioner is that the 3rd respondent through the impugned proceedings refused to grant compassionate ground on the ground that the petitioner did not have the minimum qualification of 8th standard pass on the date of submitting the application. Therefore, the claim made by the petitioner for compassionate appointment was rejected. Aggrieved by the same, the present writ petition has been filed before this Court.



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3. Heard Mrs.Dakshayini Reddy, learned Senior Counsel for the petitioner and

Mr.David Sundar Singh, learned Standing Counsel for the respondents.

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4.The main contention that was raised by the learned Senior Counsel appearing on behalf of the petitioner is that as per the regulations, it does not prescribe for a minimum educational qualification of 8th standard pass. The regulation only prescribes the qualification of ability to read and write Tamil and even this qualification is not applicable to the post of Watchman, Gardner, Sweeper and Sanitary worker, when the appointment is made to the dependents of the employee, who died in harness. The learned Senior Counsel also placed reliance upon the Order passed by this Court in W.P.No.23561 of 2009, dated 20.09.2010. By placing reliance upon this order, the learned Senior Counsel submitted that a similar plea was taken by the Electricity Board and this Court held that such a qualification cannot be assumed when the regulation does not specifically provide for the same. This Court also took into consideration the fact that even the qualification to read and write Tamil is not applicable to persons who are considered for compassionate appointment.

5.The learned Senior Counsel further submitted that the petitioner had subsequently passed 8th standard and a representation was also made in this regard to the respondents to consider her appointment on compassionate ground. The same was also not considered.



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6.Per contra, the learned Standing Counsel appearing on behalf of the Electricity Board submitted that even for the last grade post, minimum educational qualification of 8th standard pass is insisted by virtue of the subsequent guidelines issued by adopting G.O.Ms.No.18, dated 23.01.2020. The learned Standing counsel submitted that as on the date of submitting the application, the petitioner did not have this basic qualification and therefore, the claim made by the petitioner was rejected. The learned Standing Counsel further submitted that the petitioner attaining the qualification subsequently will be of no avail since by then three years had expired. Therefore, the learned Standing Counsel sought for the dismissal of this writ petition.

7.The insistence for having minimum educational qualification of 8th standard pass is adopted by the Electricity Board pursuant to the guidelines issued in G.O.Ms.No.18, dated 23.01.2020. The TANGEDCO is now insisting for possessing the minimum qualification of 8th standard even for the last grade post. The said guideline was made applicable in the case of the petitioner and the impugned proceedings came to be passed by the 3rd respondent in the year 2022.

8.The husband of the petitioner was the breadwinner of the family. He unfortunately died in harness on 15.10.2019. The petitioner submitted the application for compassionate appointment on 31.01.2020. The said application was rejected by



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the 3rd respondent during May 2022 on the ground that the petitioner did not have 8th

standard qualification. Now the petitioner had passed 8th standard during August 2023. The relevant certificate issued by the State Board of School Examinations, was also placed before this Court. The petitioner admittedly is facing serious hardship since she is not able to sustain herself due to the loss of her husband in the year 2019. The petitioner was only claiming for a last grade post in order to eke her livelihood. The 8th standard which was prescribed as qualification cannot be strictly applied while rejecting the claim made by the petitioner on the ground that she did not possess this qualification within the period of three years from the date of death of her husband. The application has been submitted on time and the petitioner has also now passed 8th standard. Therefore, her case must be considered sympathetically for appointment on compassionate ground in some last grade post, if she is otherwise qualified.

9. In the light of the above discussion, this Court in order to render substantial justice, is inclined to interfere with the impugned proceedings of the 3rd respondent dated --.05.2022 and accordingly, the same is hereby quashed. There shall be a direction to the 3rd respondent to consider the application submitted by the petitioner for compassionate appointment and pass appropriate orders within a period of eight weeks from the date of receipt of copy of the order granting compassionate



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appointment, if the petitioner is otherwise qualified.

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N.ANAND VENKATESH, J.

KP

10. In the result, this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

NCS : Yes/No

KP

To

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