



W.P.No.32811 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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N.Narmadha

... Petitioner

Versus

1. The Tamilnadu Electricity Board,
rep. By its Chairman,
825 Link road,
Anna Salai, Triplicane,
Chennai – 600 002
2. The Chief Engineer,
Electrical Distribution Circuit,
Tamilnadu Power Generation and Distribution
Gobichettipalayam
3. The Superintending Engineer (Incharge)
Erode Electricity Distribution Circle,
Tamilnadu Electricity Board,
Gobichettipalayam.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to consider that an application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time and an appointment on compassionate ground



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is to meet the sudden crises occurring in the family on account of the death of the breadwinner while in service and the compassionate employment is permissible to the dependents of the deceased employee which otherwise leads to irreparable financial loss and leads to greater mental distress.

For Petitioner : Ms. S.Yogalakshmi

For Respondents : Mr.C.Ramkumar

ORDER

This petition is filed for an issuance of a Writ of Mandamus to direct the 2nd respondent to consider the application for compassionate employment without undue delay in view of the fact that an appointment on compassionate ground is to meet the sudden crises occurring in the family on account of the death of the breadwinner while in service and the said compassionate employment is permissible to the dependents of the deceased employee, which otherwise leads to irreparable financial loss and leads to greater mental distress.

2. The case of the petitioner is that the petitioner's father, who was worked as a Wireman at Anthiyur, Tamilnadu Power Generation and Distribution Corporation Ltd., since 10.09.2007, died on 02.02.2024



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leaving behind petitioner's mother, who is a house wife and N.Giri, who is the son of petitioner's father's second wife, due to brutal accident and on account of the same, FIR No.37 of 2024 was lodged by the Inspector of Police, Ammapettai. The petitioner's mother sent a letter dated 15.06.2024 to the 2nd respondent seeking compassionate appointment for the petitioner. Consequently, the 1st respondent sent a reply notice indicating that only after the settlement of final cash benefits of deceased, the action may be taken for compassionate appointment. Though the petitioner has sent a detailed representation stating that there is no proximity between appointment on compassionate basis and the disbursement or settlement of terminal benefits, the 3rd respondent sent a detailed letter dated 04.09.2024 reiterating the same facts. Hence the petitioner has come up with the present petition.

3. Heard the learned counsel appearing for the respondents on the submissions made by the petitioner.

4. It is contended that the petitioner is the daughter of the deceased being born through first wife and she seeks compassionate appointment. Earlier, there was a claim made by one person, namely,



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Lokeshwari. The name of the petitioner's mother is Kalaiselvi. Further, one Giri, who is said to be the son of petitioner's father born through second wife and the said Lokeshwari are trying to interfere with the issue in hand and now it is submitted that the said Giri is no more and he committed suicide.

5. The petitioner is seeking appointment on compassionate ground stating that after demise of her father, who is the sole breadwinner of the family, they are not having any income and that they have no other alternative remedy than to seek the interreference of this Court. Further, the petitioner's family are not able to fulfill the basic amenities such as food, clothing and shelter. That apart, the petitioner's mother is a mentally challenged person and the petitioner could not take care of her mother, thereby seeks to consider her for compassionate appointment.

6. Considering the facts and circumstances of the case, the respondents cannot reiterate the same contention that the compassionate appointment can be given only after settling the terminal benefits, therefore, this Court, taking note of the fact that an



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appointment on compassionate ground is to meet the sudden crises occurring in the family on account of the death of the breadwinner while in service and the said compassionate employment is permissible to the dependents of the deceased employee, hereby directs the respondents to consider the application of the petitioner on merits and in accordance with law and pass appropriate orders within a period of 12 weeks from the date of receipt of copy of this order.

In view of the above, the Writ Petition is disposed of.
Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No

ssd

To

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V.BHAVANI SUBBAROYAN, J.

ssd

3. The Superintending Engineer (Incharge)
Erode Electricity Distribution Circle,
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