



WEB COPY



W.P.No.31868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.31868 of 2023
W.M.P.No.31472 of 2023

G.Lavanya

...Petitioner

-Vs -

1. The State of Tamilnadu
Rep. by its Secretary,
Department of Energy,
Fort St. George,
Secretariat,
Chennai – 600 009.

2. The Superintending Engineer (TANGEDCO),
Salem Electricity Distribution Circle,
Salem – 14.

3. The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Seelanaickenpatty,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the respondent No.2, dated 04.02.2023 in Ka.No.001460/106/நிபி.1/உ.த.2/கோ.வா.வே/2023 and quash the same as illegal and consequently direct the Respondent



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No.2 to appoint the petitioner as Sanitary worker or any other post on the basis of his educational qualification on compassionate ground with consequential benefits with office of the respondent No.3 within the time stipulated by this Court.

For Petitioner : Mr.V.Manikandan

For Respondents

For R1 : Mrs.R.L.Karthika
Government Advocate

For R2 & R3 : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 04.02.2023 passed by the second respondent, thereby rejecting the request made by the petitioner seeking employment on compassionate ground.

2. The petitioner is the wife of one Ganesan, who died on 05.01.2019, while he was working in the third respondent office as Meter Reader. He left behind the petitioner, two children and his mother as his legal heirs. Immediately, on 23.01.2020 the second respondent issued form for compassionate appointment on the request of the petitioner. The petitioner submitted the application seeking appointment on the



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compassionate ground with all documents such as legal heir certificate, community certificate, eighth standard examination certificate, no objection certificate from other legal heir, comprehensive certificate from Tahsildar and declaration certificate. However, the said application was rejected on the ground that the petitioner failed to submit the said application seeking compassionate ground appointment within a period of three years from the date of demise of her husband.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the impugned order dated 04.02.2023, the petitioner's application was received on 05.07.2021, though it was not dated. Therefore, the application was received by the second respondent for compassionate ground appointment within the period of three years from the date of her husband death viz., on 05.01.2019. However, the petitioner did not qualify with the eighth standard and as such the petitioner completed her eighth standard only after the Covid-19 pandemic situation. Now the petitioner is eligible to be appointed on the



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compassionate ground in any suitable post. Hence, the impugned order cannot be sustained and liable to be quashed.

5. Accordingly, the impugned order passed by the second respondent, dated 04.02.2023 in Ka.No.001460/ 106/நிபி.1/உ.த.2/கோ.வா.வே/2023, is hereby quashed. The second respondent is directed to appoint the petitioner on compassionate ground in any of the suitable post based on her qualification forthwith.

6. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

01.03.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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