



W.A.(MD).No.1759 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.10.2024

CORAM :

**THE HON'BLE MRS. JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD).No.1759 of 2024

and

C.M.P.(MD).No.13472 of 2024

- 1.The Tamilnadu Generation &
Distribution Corporation Limited,
(TANGEDCO),
Represented by its Chairman-cum-
Managing Director,
6th Floor, TANTRANSCO Building,
144, Annasalai, Chennai-600002.
- 2.The Chief Engineer (Establishment),
Represented by its Principal Secretary,
The Tamil Nadu Generation &
Distribution Corporation Limited,
Chennai.
- 3.The Superintending Engineer,
Madurai Distribution Circle,
The Tamil Nadu Generation &
Distribution Corporation Limited,
Madurai-625 007.

... Appellants

Vs.

M.Padmini

... Respondent



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PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.08.2023, passed in W.P.(MD).No.11330 of 2022.

For Appellants : Mr.B.Ramanathan

For Respondent : Mr.D.Sivaraman

JUDGMENT

[Order of the Court was made by **Mr.K.K.RAMAKRISHNAN, J.**]

The Electricity Board has filed this appeal challenging the order of the writ Court wherein, the writ Court directed the Board to give the compassionate appointment to the writ petitioner by the impugned order dated 21.08.2023.

2. The writ petitioner's father was a Masdoor working in the appellant Electricity Board. He died during the course of the employment ie, while unloading the electric pole, he sustained injuries and died. The said deceased Maasanam has two sons and two daughters. Within the stipulated period, the son of the deceased made an application and the same was rejected by the Board, on the ground that one of his brother is working in



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the police department and hence, he is not entitled to claim the compassionate appointment under the relevant Rules. The said order was challenged by the writ petitioner before the writ Court, the writ Court considered the entire scheme of the Act, more particularly, G.O.(Ms).No. 18(Labour and Employment Department), dated 23.01.2020 in which, there is a specific clause that when the member of the deceased family who is working in the Government department has separated from the family and has not contributed any income to meet out the indigent circumstances of the surviving members of the family, any of the other members of the surviving family can apply for the compassionate appointment. As per the G.O.Ms.No.18(Labour and Employment Department), dated 23.01.2020, the Government clearly provides that if any person in the deceased Government servant's family, employed even before the death of the Government servant, is living separately without extending any help to the family, then the case of the other eligible dependants will be considered. The said clause was properly appreciated by the writ Court. The writ Court has considered the entire aspect and also it is not the case of the board that the family members are meeting out the indigency.



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3. Apart from that, the son of the deceased has got married and he is living separately. The remaining family members were dependant on the income of the deceased. In the said circumstances, considering the plight of the widow and two female children and another younger brother, the writ petitioner has made an application and the Writ Court has properly appreciated the same.

4. In the impugned order, there is no reference about considering the G.O.(Ms).No.18 (Labour and Employment Department), dated 23.01.2020 . If the G.O., is independently applied, the case of the petitioner is to be accepted. The same was accepted by the writ Court. This Court finds no merit in the contention of the learned counsel for the appellant that the petitioner is not entitled to the compassionate appointment.

5. In the records, it is seen that the total number of legal heirs of the deceased is 5. While first son has joined the police department, the remaining two daughters, son and the wife of the deceased are in financial burden. Hence, they have made the application to meet out the impoverishment of the family. In the said circumstances, the writ Court correctly appreciated the fact and allowed the application filed by the writ



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petitioner and issued suitable direction to the Electricity Board. This Court has considered all the aspects including the fact that the brother of the writ petitioner is working in the Government department and is living separately after marriage. There is no evidence that he contributes any financial assistance to his family. It is the case of the petitioner that after the marriage, his brother is living separately with his family. In the said circumstances, all the requirements of the board regulation are fulfilled according to the impugned order. In the said circumstances, this Court finds no merit in the writ appeal.

6. Accordingly, this writ appeal stands dismissed and the order passed by the writ Court in W.P.(MD).No.11330 of 2022, dated 21.08.2023 is hereby confirmed. There shall be no order as to costs. Consequently, connected civil miscellaneous petition is closed.

[P.V.J.,] & [K.K.R.K.J.,]

04.10.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
sbm



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