



W.P.(MD)No.17565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17565 of 2022
and
W.M.P(MD)No.12791 of 2022

S.Victoria

... Petitioner

vs.

Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in proceedings No.7141/241/NiA/NiPi2/ENi2/Compassionate Appointment/2020 dated 07.11.2020 and quash the same as illegal and consequentially direct the respondent to appoint the petitioner in any suitable post on compassionate grounds within the period that may be stipulated by this Court.

For Petitioner :Mr.E.Ilango

For Respondent :Mr.S.Arivlagan



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ORDER

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The petitioner has filed this writ petition challenging the impugned order passed by the respondent in proceedings No. 7141/241/NiA/NiPi2/ENi2/Compassionate Appointment/2020 dated 07.11.2020 and to direct the respondent to appoint the petitioner in any suitable post on compassionate grounds within a stipulated period.

2. Heard the learned counsel for the petitioner, the learned counsel for the respondent and perused the materials placed before the Court.

3. It is learnt that the petitioner's husband by name Ravi Sundar, who was working as Assistant in the respondent Corporation died on 05.02.2016 while he was in service. The petitioner, who is the wife claimed herself as the wife of the deceased employee, had filed an application seeking appointment on compassionate ground. However, another person by name Marthal Kalaiyarasi also claimed to be the wife the decease and hence, the petitioner was compelled to file a civil suit in O.S.No.92 of 2016 on the file of the District Munsif, Tiruchendur, for declaring the petitioner's status as the wife of the deceased Ravi Sundar. Only after getting her status was declared on 11.03.2019, the petitioner has filed an application on 23.12.2019 seeking compassionate



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appointment. However, the respondent without considering that the reason for the delay is due to the pending civil suit filed for declaring the status of the petitioner, had chosen to dismiss the said application and hence, it is illegal and liable to be set aside in view of the extraordinary circumstances involved in this case.

4. In view of the above stated reasons, the impugned order passed by the respondent, dated 07.11.2020, is set aside and the respondent is directed to reconsider the application of the petitioner and pass orders afresh within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

06.06.2024

NCC: Yes/No
Index : Yes/No
PM

To

The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.



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R.N.MANJULA, J.

PM

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