



W.P.(MD).No.23852 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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and

W.M.P.(MD)Nos.17926 and 17927 of 2022

R.Karthi

...Petitioner

Vs

1.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
TNEB Office, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

2.The Supervising Engineer,
Tamil Nadu Electricity Board,
Madurai Electricity Distribution Circle,
Madurai – 7.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in 006670/232/Me.Po./Mmipava/Madhu/Ni.A/Ni.Bi.2/u3/Ko.Varisuvelai/ 2021 dated 20.07.2021 on the file of the second respondent herein and to quash the same as illegal and further direct the respondent herein to consider the name of the petitioner and for the post of Sweeper or any



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other post as the respondent deem fit under the compassionate ground, on account of the demise of her husband D.Ravikumar, in the light of the proceedings of the first respondent in (Per.) FB TANGEDCO Proceedings No.11, dated 11.06.2020.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

Heard Mr.K.R.Laxman, learned counsel for the petitioner and Mr.B.Ramanathan, learned Standing Counsel for the respondents.

2. This Writ Petition has been filed seeking to quash the order of the second respondent dated 20.07.2021 and further direct the respondent herein to consider the name of the petitioner for the post of Sweeper or any other post as the respondent deem fit under the compassionate ground, on account of the demise of her husband D.Ravikumar.



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3. Mr.K.R.Laxman, learned counsel for the petitioner submitted that the petitioner is the wife of the deceased D.Ravikumar, who was working as Assistant in the respondent Department. He died during the course of his employment on 12.02.2017 leaving behind the petitioner, two children and aged mother. Due to the demise of the petitioner's husband, the petitioner applied for an employment under the compassionate ground. The application of the petitioner has been rejected stating the reasons of eligible age and the minimum educational qualification. So far as the age eligibility is concerned, even the respondents themselves have accepted in the impugned order that the applicant ought to have been completed 18 years of age and if the applicant is happened to be the spouse of the deceased, then he/she ought not to have attained the maximum age limit of 50 years. So far as the petitioner is concerned, she was only 38 years of age at the time of death of her husband and she submitted the application for seeking compassionate appointment within three years from the date of death of her husband, and her age was somewhere near 40 years. Hence, the petitioner was below the age of 50 years at the time of submitting the application.



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4. Mr.B.Ramanathan, learned Standing Counsel that even though the petitioner submitted the application in the year 2019, the same has not been submitted in the prescribed format. The fact remains that the petitioner submitted the application within three years from the date of death of her husband.

5. So far as educational qualification is concerned, even as per the compassionate scheme of TANGEDCO, as per its FB TANGEDCO Proceedings No.11 dated 11.06.2020, clause 14(6), if an applicant do not possess minimum qualification of 8th standard pass, but having the educational qualification of 4th standard above, may be appointed in any of the new post to be created.

6. Mr.K.R.Laxman, learned counsel for the petitioner submitted that the Sweeper post available in the respondent Department is a newly created post and it does not require minimum educational qualification of 8th standard. The petitioner is said to have got the educational qualification of 8th standard but she discontinued. Since the petitioner meets out the educational qualification for Sweeper which is 4th standard and above, the claim of the petitioner can be considered.



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7. In view of the reasons stated above, this Writ Petition is **allowed** and the impugned order dated 20.07.2021 is set aside. The respondents are directed to reconsider the application of the petitioner in the light of the above provisions under the scheme and consider the application of the petitioner on its own merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

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R.N.MANJULA, J.

Nsr

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