



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.6895 of 2020

G.Shanthi

... Petitioner

vs

1. The Chief Engineer
Tamil Nadu Electricity Board
144, Anna Salai,
Chennai – 600 002.

2.The Executive Engineer
Tamil Nadu Electricity Board
Gopichettipalayam
Erode District – 638 452

3.The Assistant Personnel Branch Officer
Tamil Nadu Electricity Board
No.144, Anna Salai
Chennai – 600 002.

... 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 records of the 3rd respondent made in proceedings in letter No.051382/322/G64/G642/2015-07 dated 18.02.2020 and quash the same and consequently direct the 1st respondents to consider the petitioner for appointment on compassionate grounds.

For Petitioner : Mr.N.Umapathi



For Respondents

: Mr.L.Jai Venkatesh,
Standing Counsel - TANGEDCO

ORDER

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This writ petition has been filed to call for the records of the 3rd respondent in proceedings No.051382/322/G64/G642/2015-07 dated 18.02.2020 and to quash the same and consequently to direct the 1st respondents to consider the petitioner for appointment on compassionate grounds

2. The case of the petitioner is as follows :-

The petitioner's father late M.Gopal was working under the 2nd respondent as Electricity Line Inspector and while he was in service met with an accident and died on 03.07.2007 leaving behind his wife, son and daughter. The wife of the deceased applied for appointment on compassionate grounds on 01.12.2008, within the stipulated period of time with all certificates obtained from the competent authorities. On 15.12.2008, the 2nd respondent sent a communication seeking to produce the certificates of her son. Thereafter, the 2nd respondent sent a letter on 15.06.2011 and 23.11.2013 to the mother of the petitioner. In the year 2008, the petitioner's mother and brother had given a letter to the 2nd respondent requesting to treat the letter for compassionate appointment in favour of her



daughter / petitioner and further the petitioner had also issued a letter seeking appointment on compassionate grounds on 13.10.2014 due to the demise of her father.

3. Subsequently, the petitioner filed writ petition in WP.No.9213 of 2015 before this Court to direct the 2nd respondent herein to consider the representation of the petitioner, this Court by an order dated 21.09.2017, directed the respondent to consider the representation submitted by the petitioner on 13.10.2014 and to pass orders in accordance with law, within a period of twelve weeks. The petitioner had also sent another representation to the 2nd respondent on 19.12.2017, in reply dated 09.05.2018 it is stated that the 2nd respondent is waiting for the orders to be passed by the 1st respondent. The first respondent by an order dated 18.02.2020 passed the order impugned rejecting the request made by the petitioner for an appointment on compassionate grounds.

4. On going through the averments, the petitioner's father died in an accident on 03.07.2007. According to the petitioner, her brother submitted his representation on the ground of compassionate appointment and while the 2nd respondent asked for certain documents, the brother of the petitioner



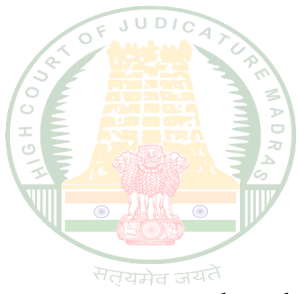
had not shown any interest and by that time he employed elsewhere.

Thereafter, the petitioner submitted her representation on 13.10.2014 for consideration on compassionate grounds due to the demise of her father.

The petitioner's husband is an agricultural coolie and the petitioner is the person who is taking care of her mother and seeks interference of this Court.

Hence, the petitioner filed the present writ petition.

5. The second respondent filed counter affidavit wherein it is stated that the terminal benefits of the deceased employee was settled to the legal heirs by the respondents. The petitioner's mother submitted an application dated 01.12.2008 seeking compassionate ground appointment to her son / Krishnaraj. On verification, the 2nd respondent sent a letter dated 15.12.2008 asking for certain documents. Once again on 15.06.2011, the 2nd respondent sought for clarification with regard as to why the Tahsildar has not stated any thing about the family indigence circumstances in the certificate. On 14.03.2014, the petitioner's mother nor the brother of the petitioner have not submitted the documents asked by the Board, submitted a letter that the petitioner's brother does not want a job due to his family situation and the petitioner's mother requested an application requisition of compassionate grounds to her married daughter / petitioner.



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6. As per the directions of this Court made in WP.No.9213 of 2015 dated 21.09.2017, the respondents after following the orders issued in GO.MS.No.155 (labour and employment department) dated 16.07.1993, issued the proceedings in B.P.(Ch).No.330 (Admn. Branch) Dated 02.11.1993, as per the proceedings, the relevant conditions for considering the employment assistance on compassionate ground to the legal heirs of the deceased employee are (i)only the dependants viz., wife / husband / son / unmarried daughter are eligible for appointment. Married daughter deserted by her husband / widowed or divorced daughter living with family and also married daughter may be considered for employment assistance if the widow of the deceased gives her consent in writing. (ii)the son or daughter of the deceased employee and unmarried brother / unmarried sister of the unmarried deceased.

7. The petitioner seeking employment assistance on compassionate grounds has not been applied within a period of three years after the death of the deceased employee, as per the rules of the Board and petition dated 13.10.2014 has been filed after a lapse of 7 years is not permissible as per the existing rules of the Board. The job assistance under the scheme of



compassionate grounds would be given only to overcome the family from the sudden financial crisis due to the sudden death of the deceased employee, whereas the petitioner is married even before the death of the employee and her family survived over a period of almost 8 years without any job assistance. Hence, the claim of the petitioner cannot be considered and the learned standing counsel prays for dismissal of the writ petition.

8. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the materials available on record.

9. On a perusal of records that the petitioner's father died in a road accident while he was in duty on 03.07.2007. The mother of the petitioner applied for compassionate ground appointment after obtaining necessary documents from the competent authorities within the period of time for her son viz., brother of the petitioner. During 2008, the 2nd respondent sought for certain documents from the petitioner's brother and further communication on 15.06.2011 and 23.11.2013. There was no reply on the side of the petitioner's mother and brother to the petitioner. The mother of the petitioner requested the department to treat the application submitted by



her for compassionate appointment in favour of her daughter / petitioner herein. Thereafter, the petitioner approached this Court by filing writ petition in WP.No.9213 of 2015, this Court by an order dated 21.09.2017 directed the respondents to consider the representation of the petitioner within the stipulated period of time and in accordance with law. In compliance to the directions of this Court, the respondent passed an order impugned dated 18.02.2020 rejecting the claim of the petitioner.

10. It is further seen from the records the time limit prescribed for submitting the application under compassionate appointment is three years from the date of death of the deceased employee or under medical invaluation. The mother of the petitioner submitted an application within the prescribed time limit and with regard to the subsequent claim made by the daughter of the deceased employee, the same was directed to be considered the petitioner's application dated 13.10.2014 and 19.12.2017 based on the indigenous circumstances. It is not a vested right seeking for compassionate appointment, it is also to consider the application of the married daughter and the married daughter is also eligible for compassionate appointment, in cases if she proves the indigenous circumstances of the family members.



11. This Court is of the view that the petitioner had already submitted the documents dated 07.01.2025 to show the income certificate issued by the Zonal Deputy Tahsildar and the certificate issued by the Tahsildar based on the report submitted by the VAO and the Revenue Inspector. The aforesaid documents shall be produced before the authorities concerned, the respondents in turn to verify the indigenous circumstances of the family by having a field inspection and on the basis of the report, the petitioner's case may be considered for compassionate grounds, for the eligible post according to her eligibility. The above said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

12. With the above observation, this writ petition is disposed of. No costs.

05.02.2025

Speaking order / Non-speaking order

Index : Yes / No

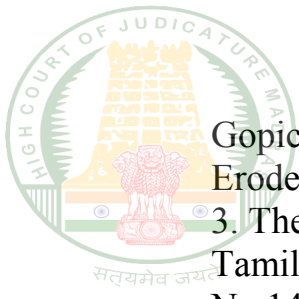
Neutral Citation : Yes / No

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To

1. The Chief Engineer
Tamil Nadu Electricity Board
144, Anna Salai, Chennai – 600 002.
2. The Executive Engineer
Tamil Nadu Electricity Board

8/10



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V.BHAVANI SUBBAROYAN, J.

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