



W.P.No.31470 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.31470 of 2022

P.Chinnappa

... Petitioner

-VS-

1. The Chief Engineer (Appointment),
Tamil Nadu Generation and Distribution
Corporation Limited,
N.P.K.R.R. Maligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Villupuram Electricity Distribution Taluk,
Villupuram.
3. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Gingee,
Villupuram District.
4. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Gingee, Villupuram District.

... Respondents



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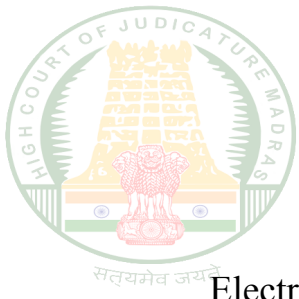
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the compassionate ground appointment to the petitioner's son based on Proceedings No.11 (per.) FB TANGEDCO (Administrative Branch) dated 11.06.2020.

For Petitioner : Mr.T.V.G.Kartheeban
For Respondents : Mr.P.Subramanian

ORDER

This writ petition has been filed to direct the respondents to consider the appointment of the petitioner's son on compassionate ground on the basis of the Proceedings No.11 (per.) FB TANGEDCO (Administrative Branch) dated 11.06.2020.

2. The case of the petitioner is that she submitted a representation on 28.05.2022, to the respondents seeking for compassionate appointment for her son, viz., Saravanan, as her husband died in harness on 08.04.2021. The petitioner married the deceased employee on 05.02.1995, after the demise of his first wife in 1993, due to ill health. The deceased employee had two male children and one female child through the first marriage and through the petitioner, one male child and one female child. The deceased employee was appointed in Tamil Nadu



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Electricity Board on 06.01.1997, after the solemnization of his marriage with the petitioner. On the demise of the petitioner's husband, the petitioner obtained a legal heir certificate on 09.05.2022, wherein the petitioner, her children, as well as the first wife's children's names were shown as legal heirs. The petitioner sent a representation dated 28.05.2022, to the respondents to provide compassionate appointment to her son on the basis of the Proceedings No.11 (per.) FB TANGEDCO (Administrative Branch) dated 11.06.2020, it was however not considered. Therefore the petitioner was constrained to file the above writ petition for the aforesaid relief.

3. The respondents filed counter affidavit stating *inter alia* that the petitioner and her children were not eligible for compassionate appointment as per the Proceedings No.11 (per.) FB TANGEDCO (Administrative Branch) dated 11.06.2020. The respondents further submitted that as the marriage of the petitioner was disputed by the first wife's son there was a rival claim and therefore, the petitioner's representation could not be considered.



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4. The learned counsel for the petitioner submitted that as the petitioner herself nominated her son for compassionate appointment under Proceedings No.11 (per.) FB TANGEDCO (Administrative Branch) dated 11.06.2020, the respondents were bound to provide appointment to her son, one Saravanan. The learned counsel further submitted that the marriage of the petitioner with the deceased employee was solemnized after the demise of the first wife, therefore there was no illegality in the marriage.

5. The learned counsel for the respondents submitted that the first wife's son of the deceased raised objection, therefore, the respondents were not in a position to provide employment to the petitioner's nominee. He further submitted that the respondents could not settle the terminal and pensionary benefits because of the rival claim set up by the first wife's son.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the records.



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7. The facts narrated above are not disputed and hence the same are not traversed to avoid repetition. The status of the petitioner as the legally wedded wife of the deceased employee cannot be doubted. In the present case, the petitioner married the deceased employee in 1995 much after the death of the first wife in the year 1993. The only legal impediment to second marriage is that the first marriage should not be subsisting. As the first wife died much before the second marriage of the petitioner, the petitioner's marriage is legally valid and hence, the petitioner cannot be denied the status of a legal wife. It is further pertinent to note that the deceased employee secured employment in the respondent Corporation after the second marriage with petitioner on 06.01.1997.

8. For better appreciation of the issue involved in the case, Regulation 4 of (Per.) FB TANGEDCO Proceedings No.11 dated 11.06.2020 is referred to and it reads as follows:

04. Nomination

"Compassionate ground appointment should be given to the wife/husband of the deceased TANGEDCO / TANTRANSCO Employee or only to the



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*person nominated by the wife/husband of the deceased
TANGEDCO / TANTRANSCO Employee subject to
eligibility."*

9. From the above regulation it is clear that compassionate appointment should be given to the wife / husband of the deceased employee as the case may be or only to the person nominated by the wife / husband of the deceased. The petitioner who is the wife of the deceased nominated her son, Saravanan for compassionate appointment and hence as per the aforesaid regulation, the respondents are bound to consider the same.

10. In view of the above discussions, I am inclined to issue a direction to the respondents to consider the petitioner's son viz., Saravanan for compassionate appointment as per the proceedings in Proceedings No.11 (per.) FB TANGEDCO (Administrative Branch) dated 11.06.2020 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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11. Accordingly, this Writ Petition is disposed of. No costs.

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vji

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

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N.MALA, J.

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