



W.P.(MD)No.28950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.01.2025

CORAM:

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.28950 of 2024**

A.Sakkammal

... Petitioner

Vs.

1. The Chairman cum Managing Director,  
TANGEDCO 6<sup>th</sup> Floor,  
TANTRANSCO Building,  
144, Anna Salai,  
Chennai – 600 002.
2. The Chief Engineer (Personnel),  
Tamil Nadu Electricity Board,  
No.100, Anna Salai,  
Chennai – 600 002.
3. The Superintending Engineer,  
Thoothukudi Electricity Distribution Circle,  
Thoothukudi.
4. The Assistant Engineer,  
TNEB/TANGEDCO,  
Saveyarpuram, Canon Street,  
Thoothukudi District.

... Respondents



W.P.(MD)No.28950 of 2024

WEB COPY

**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 of the Impugned proceedings in K.No. 255/Me.Pa.Po/Thoodi/Ni.A/Ni.Pi2/U2/Ko.Vaa.Ve/2024 dated 02.09.2024, K.No. 010751/128/Me.Pa.Po/Thoodi/Ni.A/Ni.Pi2/U2/Ko.Vaa.Ve/2024 dated 03.09.2024 and K.No.2551/Me.Pa.Po/Thoodi/Ni.A/Ni.Pi2/U2/Ko.Vaa.Ve/ 2024 dated 03.10.2024 on the file of the 3<sup>rd</sup> Respondent and the impugned proceedings in Letter No.018726/G-24/G.24(2)/2021 dated 05.11.2024 on the file of 2<sup>nd</sup> Respondent and quash the same and further directing the Respondents to appoint the petitioner in any suitable posts with the Respondent Department on compassionate grounds by considering the application of the Petitioner dated 09.01.2023.

For Petitioner : Mr.Vinoharan

For Respondents : Mr.S.Arivazhagan  
Standing Counsel

### **ORDER**

The instant writ petition has been filed challenging the order passed by the 2<sup>nd</sup> and 3<sup>rd</sup> respondent herein, wherein the petitioner has been directed to get No Objection Certificate (NOC) from the minor daughter of the divorced first wife.



W.P.(MD)No.28950 of 2024

WEB COPY

2. One Annamalai was working as a wireman in the respondent corporation and he was initially married to one Jeba. The marriage between the said Annamalai and Jeba was dissolved by way of order passed by the Sub Court Tuticorin in H.M.O.P.No.195 of 2011 dated 21.10.2010. Through the first wife, a daughter is born, who is now aged 14 years. The employee of the respondent corporation had got remarried to the writ petitioner on 10.12.2024. The employee had passed away on 08.04.2021 leaving behind the petitioner, her son and the daughter of the deceased employee through his first wife. The respondent authority has passed an order on 29.11.2024, granting 50% of the terminal benefits to the petitioner and the balance 50% to Priya Dharshini who is the daughter of the deceased employee through his first wife. The family pension is also shared between the petitioner and the said Priya Dharshini.

3. The petitioner has made an application seeking compassionate appointment. At this point of time, the present impugned order has been passed, directing the petitioner to get No Objection Certificate (NOC) from the said Priya Dharshini who is now aged 14 years. The said order is under challenge in the present writ petition.



W.P.(MD)No.28950 of 2024

WEB COPY

4. According to the learned counsel appearing for the writ petitioner, the first wife having been divorced, is not eligible for getting any compassionate appointment. The minor daughter, through the first wife namely Priya Dharshini, is now aged 14 years and therefore, she is also not eligible for get an appointment. In such circumstances, the second wife of the deceased employee cannot be compelled to get a No Objection Certificate (NOC) either from the minor daughter or from the divorced first wife.

5. Per contra, learned Standing Counsel appearing for the respondent corporation relying upon the counter affidavit has contended that when the first wife daughter is also one of the legal heir, No Objection Certificate (NOC) has to be obtained from her mother, who is the guardian. Hence he prayed for dismissal of the writ petition.

6. I have carefully considered the submissions on either side and perused the materials available on records.



W.P.(MD)No.28950 of 2024

WEB COPY

7. It could be seen from the records that the terminal benefits as well as family pension are being shared equally by the first wife as well as by the writ petitioner who is the second wife. On instructions, the learned counsel appearing for the petitioner submits that in case, compassionate appointment is granted to the writ petitioner, she would relinquish 50% of the rights over the family pension and the same may be granted to the daughter of the deceased employee namely Priya Dharshini.

8. The said Priya Dharshini being aged 14 years, would not be eligible for getting any compassionate appointment. The mother of the said Priya Dharshini namely Jeba who has already been divorced by the employee and therefore would not be entitled to get any compassionate appointment.

9. In such circumstances, forcing the second wife to get No Objection Certificate (NOC) from the divorced first wife would be nothing but compelling the petitioner to do the impossible thing. In such circumstances, this Court is of the considered opinion that the respondent authorities may be directed to consider the request for compassionate



W.P.(MD)No.28950 of 2024

appointment of the writ petitioner without insisting upon any No Objection Certificate (NOC) from the minor daughter or the first wife of the employee.

10. In view of the above said facts, the order impugned in the writ petitioner is set aside and the respondents are directed to consider the application of the writ petitioner for compassionate appointment, without insisting for No Objection Certificate (NOC) from the daughter of the first wife or the divorced first wife of the deceased employee. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

**20.01.2025**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
rgm



W.P.(MD)No.28950 of 2024

WEB COPY

To

1. The Chairman cum Managing Director,  
TANGEDCO 6<sup>th</sup> Floor,  
TANTRANSCO Building,  
144, Anna Salai,  
Chennai – 600 002.
2. The Chief Engineer (Personnel),  
Tamil Nadu Electricity Board,  
No.100, Anna Salai,  
Chennai – 600 002.
3. The Superintending Engineer,  
Thoothukudi Electricity Distribution Circle,  
Thoothukudi.
4. The Assistant Engineer,  
TNEB/TANGEDCO,  
Saveyarpuram, Canon Street,  
Thoothukudi District.



WEB COPY



W.P.(MD)No.28950 of 2024

**R.VIJAYAKUMAR, J.**

rgm

**W.P.(MD)No.28950 of 2024**

20.01.2025