

(1999) 03 MAD CK 0051

In the Madras High Court

Case No : Writ Petition No. 18979 of 1997

S. Chandra

APPELLANT

Vs

The Chief Engineer (Personnel) Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-2 and another

RESPONDENT

Date of Decision : 12-03-1999

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (1999) 3 CTC 38 : (2000) 2 LW 485

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : Mr. S.N. Ramachandran, for the Appellant; Mr. A.N. Sivaprakasam, for the Respondent

Judgement

P.D. Dinakaran, J.—The petitioner seeks employment for her son S. Ravi, on compassionate ground, under the second respondent-Board

as the petitioner's husband died on 8.11.1995, while he was in service. However, by the impugned proceedings dated 16.10.1997 the second

respondent rejected the request of the petitioner to appoint her son, on compassionate ground, merely because the petitioner's son had not passed

7th standard.

2. It is not in dispute that the Board, by their proceedings dated 11.1.1993, even though had fixed a pass in 8th standard as the minimum

qualification to appoint the dependents of the employees who die during their service, on compassionate ground, as Office Helper or Helper, the

same is relaxed in the case of the dependent of the employees who die in accident, during their service. In other words, the dependents of the

employees of the Board, who die in accident during their service, shall be

considered for appointment on compassionate ground, even though they have not passed eighth standard.

3. The learned counsel for the respondent Board contends that the petitioner's son has not passed eighth standard and therefore, the petitioner is not entitled to claim any appointment in the respondent-Board, on compassionate ground.

4. I do not see any nexus between the reason in relaxing the minimum qualification in the case of the dependents of the employees who die in the accident, during their service while refusing the same in the case, the dependents of the employees who die naturally during their service and the object sought to be achieved in providing the appointment to the dependents of the employees on compassionate grounds. Therefore, in my considered opinion, the respondents, having relaxed the condition to the dependents of the employees who died in the accident, ought to have extended the same benefit to the dependents of other employees, who die naturally during their service. Hence, the impugned order is quashed.

Consequently, respondents are directed to consider the case of the son of the petitioner, viz., S. Ravi, for any suitable post, within two months from the date of receipt of a copy of this order. Writ Petition is ordered accordingly. No costs.