

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.19955 of 2012

M.Thennarasi

...Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport Corporation,
Salem Division I
Ramakrishna Salai, Salem - 636 007.

.. Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, to call for the records of the respondent made in proceedings No.E1/228/TAPOKA (Salem)/2010 dated 09.04.2010 and quash the same and consequently direct the respondent to consider the petitioner for appointment on compassionate ground in a suitable post.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.Paramasivadoss

O R D E R

The application submitted by the petitioner for compassionate appointment was rejected by the respondent on the ground that it was not made within a period of three years from the date of death of the employee.

2. The petitioner is the daughter of Thiru.S.Mariappan, who worked as Driver in Tamilnadu State Transport Corporation. Her father died on 13.11.2000. The deceased is survived by the petitioner, her sister and brother besides her mother. Her sister by name M.Thillaikarasi is a physically challenged person. The petitioner submitted an application for compassionate appointment on 12.05.2003. She also enclosed No Objection Certificate from her brother. The application was rejected on the ground that it was not made within a period of three years from the date on which her father died.

3. The learned Standing Counsel for the Tamilnadu State Corporation on verification of the records fairly submitted that the application was within time. According to the learned Standing Counsel, No Objection Certificate issued by the brother of the petitioner contained variation in his signature and as such, the

petitioner should be directed to produce a fresh No Objection Certificate.

4. The documents available on record clearly show that application for compassionate appointment was made within a period of three years from the date on which the father of the petitioner died. I am therefore of the view that the respondent was not correct in rejecting the application on the ground of delay.

5. In the result, the impugned order dated 09.04.2010 is set aside and the matter is remitted to the respondent for fresh consideration. The petitioner is directed to produce fresh No Objection Certificate duly attested by a Notary to the respondent for the purpose of considering her application for compassionate appointment. The respondent is directed to consider and dispose of the application dated 12.05.2003 for compassionate appointment within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Managing Director,
Tamilnadu State Transport Corporation,
Salem Division I
Ramakrishna Salai, Salem - 636 007.

+1 cc to Mr.N.Umapathi, Advocate, SR.13736.

+1 cc to Mr.P.Paramasivadoss, Advocate, SR.14102.

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