



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A. (MD) No.55 of 2015

and

M.P. (MD) No.1 of 2015

1.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai Division IV) Limited,
Byepass Road,
Collectorate Post,
Dindigul District.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye Pass Road,
Madurai District.

... Appellants

Vs.

S.Rajkamal

... Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 07.04.2014 in W.P.(MD)No.967 of 2012 passed by the Learned Single Judge of this Court.

For Appellants : Mr.A.Jeyaram
For Respondent : Mr.S.Govindan

Prayer in WP(MD). 967/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIIFIED MANDAMUS, to call for the records connected with the impugned order passed by the 1st Respondent in his proceedings பார்வை த.நா.அ.போ.க : திண்டு/ஆட்சி ஆ2-2277, dated 02-01-2012 and quash the same and consequently to direct the Respondents to appoint the Petitioner as Conductor on Compassionate Ground.

**JUDGMENT**

(Judgment of this Court was delivered by S.TAMILVANAN,J.)

Challenging the order dated 07.04.2014 in W.P.(MD)No.967 of 2012 passed by the Learned Single Judge of this Court, this Writ Appeal has been preferred by the appellants / Transport Corporation.

2.Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the respondent / Writ petitioner.

3.It is an admitted fact that one P.Sathiamoorthy, father of the respondent / Writ petitioner was working as a Conductor in the appellant / Transport Corporation. However, on medical ground, he was relieved from service on 19.07.2002 and died on 14.07.2006.

4.According to the learned counsel appearing for the appellants, the father of the respondent / Writ petitioner was discharged from duty on 26.07.2005 and died on 14.07.2006 and hence, the respondent / Writ petitioner is not entitled to get appointment on compassionate ground. In support of his contention, he relied on a Government Order in G.O.Ms.No.32 dated 08.01.1986.

5.Admittedly, G.O.Ms.No.32 dated 08.01.1986 was not produced by the learned counsel appearing for the appellants before the Learned Single Judge for the reasons best known to them. As contended by the learned counsel appearing for the respondent / Writ petitioner there could be some other G.O. available as against G.O.Ms.No.32 and further, as per the said G.O., there is no bar in providing compassionate appointment. The only condition is that the employee should have put in a regular service of 6 years and should be less than 50 years of age on the date of his discharge from service on medical ground. If there is possibility for alternative job there could be no question of compassionate appointment for the employee. The said G.O. further shows that one among the children of the employee who is invalidated from service on medical ground would be appointed on compassionate ground. The minimum required service and the age were stipulated in the said G.O., which is not in dispute.

6.According to the learned counsel appearing for the respondent/Writ petitioner, the respondent / Writ petitioner is entitled to get compassionate appointment, even as per the G.O., referred to by the learned counsel for the appellants.

<https://hcservices.ecourts.gov.in/hcservices/> Writ Appeal, merely based on the disputed question of fact, the appellants cannot challenge the order passed by the Learned Single Judge. Having gone through the order passed



by the Learned Single Judge, we are of the considered view that the Learned Single Judge has given detailed reasoning for allowing the Writ petition, whereby, directed the appellants, who are the respondents in the Writ petition to provide compassionate appointment to the respondent / Writ petitioner within a period of 6 weeks from the date of receipt of a copy of the order.

8. Having gone through the grounds raised in the Writ Appeal, we are of the considered view that there is no legal ground available to the appellants and there is no error or infirmity in the order passed by the Learned Single Judge. Hence, the Writ Appeal is liable to be dismissed.

9. Accordingly, the Writ Appeal is dismissed and the appellants are directed to provide compassionate appointment to the respondent / Writ petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai Division IV) Limited,
Byepass Road,
Collectorate Post,
Dindigul District.

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye Pass Road,
Madurai District.

+1cc to Mr. S. Govindan, Advocate Sr.No.13244

+1cc to Mr. A. Jeyaram, Advocate Sr.No.13693

nbj

AA/20.04.2015/3p- 5c/

**W.A. (MD) No.55 of 2015
19.03.2015**