



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2016

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.3840 of 2015

WEB COPY

K.Sheema

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
(TNSTC), Nagercoil.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
(TNSTC), Nagercoil. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate ground in any one of the offices under 2nd respondent, within a stipulated time period.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.K.Sathya Singh

O R D E R

Mr.K.Sathya Singh, the learned Standing Counsel takes notice for the respondents.

2. This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate ground in any one of the offices under 2nd respondent, within a stipulated time period.

3. By consent of both sides, the main writ petition is taken up for final disposal.

4. The learned counsel appearing for the petitioner would submit that the petitioner is entitled to get appointment on compassionate ground. The petitioner's father was working as Security Officer at Ranithottam Bus Depot in Nagercoil and on 27.05.2005, he died suddenly leaving behind the petitioner, her mother, her sister and paternal grandmother, as legal heirs. All the legal heirs disclaimed their right for compassionate appointment. The petitioner submitted her applications on 09.08.2005 and on 28.08.2009 and thereafter, the 2nd respondent sought certain certificates, which have been complied with in time. He would further submit that many other persons were appointed on



compassionate ground basis, in the office of the respondent after 2005 and the petitioner's grievance has not at all redressed yet.

5. The learned counsel appearing for the respondents has rightly stated that the case of the petitioner would be considered based on the seniority maintained by the Department taking into account the date of application made by the dependents of the deceased like the petitioner.

6. Though the prayer is innocuously worded and if the relief sought for by the petitioner is granted by this Court, it would create a room for more litigation. Further, as the similarly placed persons, who are in the seniority list maintained by the respondent corporation, may also approach this Court and seek similar relief, once again the seniority list will be in the same position. Hence, I am not inclined to grant the relief sought as such in this writ petition. However, this Court directs the respondents to follow due seniority and appoint the persons like the petitioner seeking compassionate appointment, as and when vacancies are to be filled up.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
(TNSTC), Nagercoil.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
(TNSTC), Nagercoil.

+1 CC TO M/s. K.P.NARAYANA KUMAR,ADVOCATE, SR NO.10631

+1 CC TO M/s. K.SATHIYA SINGH, ADVOCATE,SR NO.10369

MPK
MAS/RSK-SKN:07.03.2017:2P/5C

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