

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 04.09.2018****CORAM:****THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 19035 of 2018**

B. Revathy

... Petitioner

Vs.

The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to forthwith provide the petitioner appointment to her son B. Aravindan on compassionate grounds in any suitable post in the first respondent / Corporation depending upon her son's educational qualification within the time limit that may be stipulated by this Court.

For Petitioner : Mr. A. Rahul
For Respondent : Mr. D. Sivaraman

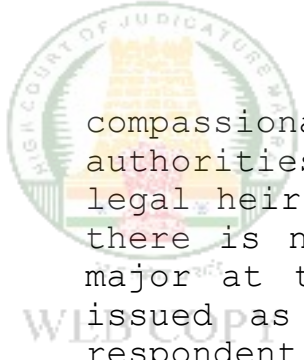
ORDER

The petitioner has come forward with the present Writ petition seeking to issue a Writ of Mandamus, directing the respondent to provide any suitable post on compassionate ground to the petitioner's son namely, B. Aravindan in the respondent / Corporation based on her son's educational qualification.

2. Mr. D. Sivaraman, learned standing counsel takes notice for the respondent / Corporation. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that her husband, who was employed as Conductor in the respondent / Corporation, died on 20.07.2017 in an accident and hence, the petitioner has made a representation on 09.06.2018 for compassionate appointment on behalf of her son.

4. When the matter is taken up for hearing, Mr. D. Sivaraman, learned standing counsel appearing for the respondent / Corporation would submit that at the time of death of the petitioner's husband, the age of her son was 22 years, however, he has not made any representation for compassionate appointment. But his mother has made a representation for compassionate appointment to her son. Whenever a legal heir of the deceased employee, who is a major, intends to seek appointment on



compassionate ground, he ought to make a representation to the authorities concerned. Without doing so, the mother or any other legal heir, cannot make representation on behalf of others. When there is no representation made by the petitioner's son, who was major at the time of death of his father, a mandamus cannot be issued as there is no demand by the petitioner's son to the respondent earlier.

5. In such view of the matter, this Court is not inclined to grant any relief sought for by the petitioner. However, this order will not preclude the petitioner's son from making a representation for compassionate appointment and if any representation is made, it is for the respondent to consider the same in accordance with law as expeditiously as possible.

6. It is represented by the learned standing counsel for the respondent / Corporation that persons, who are eligible for compassionate appointment, are placed in a seniority list and based on such seniority, the employment would be given to the legal heirs of the deceased employee in accordance with law. The Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

TO

The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

+1cc to Mr. A. Rahul, Advocate Sr. No. 82151

+1cc to Mr. D. Sivaraman, Advocate Sr. No. 82155

NBJ

VB/SKN/SAR4/01.11.2018/2P/4C

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