

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :30.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.13966 of 2019

S.Kalaivani @ Vani

..Petitioner

vs

1.The Secretary,
State Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Metropolitan Transport Corporation,
Anna Salai,
Chennai 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent herein to consider the petitioner the dependant daughter of the deceased driver Sait under Compassionate appointment.

For Petitioner : Mr.R.Lawrence

For Respondent 1 : Mr.R.S.Selvam
Government Advocate

For Respondent 2 : Mr.R.Annamalai

O R D E R

सत्यमेव जयते

The prayer sought for in this Writ Petition is to direct the 2nd respondent herein to consider the petitioner as the dependant daughter of the deceased driver Sait under Compassionate appointment.

2. The case of the petitioner is that her father was employed under the 2nd respondent as bus conductor on 06.03.1990. Thereafter, he fell sick and took medical leave on 20.09.2014. On 12.11.2014, he died in Rajiv Gandhi Hospital, Chennai, while he was in service. Thereafter, the petitioner approached the 2nd

respondent for job under compassionate appointment. The petitioner also made a representation on 12.02.2019. However, the representation made by the petitioner was not considered. Hence, the present Writ Petition has been filed.

3. Heard the counsel on either sides and perused the records.

4. A perusal of the records would reveal that the petitioner's father was removed from service on 28.03.2008 on the ground of unauthorized leave. Against which, the petitioner's father filed Industrial Dispute in I.D.No.289 of 2013. Pending I.D., the father of the petitioner died and immediately his wife was impleaded as his Legal heir. On 24.01.2018, an award was passed, whereby, the termination order dated 28.03.2008 was set aside and the respondent therein was directed to pay a lumpsum compensation of Rs.6,40,000/- with all other attendant benefits, retirement and family pension benefits.

5. As against the said order, the Managing Director, Metropolitan Transport Corporation, (Chennai) Ltd., Anna Salai, Chennai, filed a Writ Petition in W.P.No.9781 of 2018, which is pending before this Court. When the employment of the petitioner's father itself is a question before this Court, the claim of compassionate appointment does not arise. It is also seen that the petitioner's father died on 12.11.2014 and the representation for compassionate appointment was made on 12.02.2019, after a lapse of three years which cannot be entertained.

6. In view of the above, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
State Transport Department,
Fort St.George,
Chennai - 600 009.

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2.The Managing Director,
Metropolitan Transport Corporation,
Anna Salai,
Chennai 600 002.

+1cc to Mr.R.Annamalai, Advocate sr.83800
+1cc to Government Pleader SR.NO. 84570

W.P.No.13966 of 2019

vgi(co)
nr 13/11/2019



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