

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.2256 of 2019

J.Sudarvizhi

.... Appellant

Vs.

The Tamil Nadu Transport Corporation,
rep. by its General Manager,
Salem.

.... Respondent

Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 06.02.2019 made in W.P.No.3441 of 2018.

WP.No.3441/2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to consider the Petitioner's representation dated 22.06.2017 within a time frame that may be prescribed by this Court.

For Appellant : Mr.T.Tamilavel

For Respondent : Ms.Rajini Ramadass

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The appellant has submitted an application for compassionate appointment eleven years after the death of his father. The said application was not considered by the Tamil Nadu Transport Corporation. The appellant therefore filed a writ petition before the writ Court to consider his representation on merits. The writ petition was dismissed by the learned single Judge on the ground that there is no question of considering the application for compassionate appointment given eleven years after the death of his father. The said order is under challenge at the instance of the appellant.

2. We have heard the learned counsel for the appellant. We have also heard the learned Standing Counsel appearing for the respondent Corporation.

3. The appellant was a minor at the time of the death of his father. The appellant therefore submitted an application for compassionate appointment eleven years after the death of his father and within a period of one year after attaining majority. The compassionate appointment is not evolved for the purpose of the wards attaining majority and to claim appointment. It is only to tide over the difficulties faced by the family, the concept of compassionate appointment is drawn. There is no question of considering the application submitted by the appellant for compassionate appointment eleven years after the death of his father.

4. We are therefore of the view that the learned single Judge was justified in dismissing the writ petition.

5. The learned counsel for the appellant submitted that in case of issuance of notification by the Tamilnadu Transport Corporation for regular recruitment, the appellant should also be permitted to take part and he should be given some kind of preference.

6. It is open to the appellant to make application for regular recruitment. In case, any such application is submitted by the appellant pursuant to the notification issued by the Corporation and in the event of satisfying the eligibility criteria and everything is found equal, preference should be given to the appellant.

7. The intra court appeal is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

सतरादेव जगाने
Sub Assistant Registrar

To

The General Manager,
The Tamil Nadu Transport Corporation, Salem.

+1 cc to M/s.P.Tamilavel, Advocate Sr.No. 61483
+1 cc to Ms.Rajini Ramadasas, Advocate Sr.No.62484

AKM/06.09.19/2P-4C /

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