

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:27.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.25130 of 2019

S.Rajasekar

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep. By its Principal Secretary,
Transport Department Secretariat,
Chennai - 600 009.

2.The Managing Director

Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

3.The General Manager,

Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records on the file of R3 in connection his proceedings No.137/E3/Padhu 1/Thu A Po Ka (Ko)/2019 dated 18.06.2019 and quash the same as illegal and direct the respondents 2 and 3 to consider the petitioner for appointment in the respondent Corporation on compassionate grounds.

For Petitioner : Mr.P.Ulaganathan

For 1st Respondent : Mr.V.Prabhu

Government Advocate

ORDER

The petitioner is before this Court seeking a direction to the respondent Corporation to consider his claim for compassionate appointment on the death of his father on 09.11.1995. According to the petitioner, his father was employee of the respondent Corporation and at the time of death of his father on 09.11.1995, the petitioner was 11 years old. Immediately on the death of his father, his mother has given an

application seeking compassionate appointment on 26.02.1997. But the same was not acted upon, in view of the petitioner being minor. After the petitioner attained majority, an application was submitted. But the same was rejected on the ground that the application was not made within three years from the date of the death of the employee.

2. According to the learned counsel for the petitioner, the impugned order of rejection was in violation of the decision of the Division Bench of this Court in Writ Appeal (MD).No.737 of 2013 (P.Sathiarman V. Secretary to Government and others) reported in 2013 (8) MLJ 1903. According to the learned counsel, it is open to the eligible applicant to submit an application seeking compassionate appointment within three years from the date when he attained majority as per the decision and therefore, his rejection by the authorities concerned cannot be countenanced both in law and on facts.

3. From the above narrative, it could be seen that the petitioner's father died in harness as early as on 09.11.1995 nearly 25 years before from today. Even assuming that the petitioner was a minor of 11 years old, he would have attained majority 7 years thereafter i.e. in 2001. But the representations appear to have been submitted in 2006, 2009, 2011, 2013, 2014, 2015, 2019 and finally the present writ petition has been filed in 2019. When the authorities have rejected the application vide order dated 18.06.2019, as per his own declaration the petitioner is aged 35 years old. Therefore, it is not open to him to contend that the representations were submitted immediately after he attained the age of majority. In fact, in the affidavit, no reasons have been spelt out as to why it has taken so many years for the petitioner to approach this Court for relief. Because of the fact that the petitioner kept sending applications after applications to the authorities, finally by order dated 18.06.2019 his claim was rejected.

4. In the above circumstances, this Court does not think that the rejection can be faulted with. When the family of the deceased has survived for 25 years that itself would be a factor to consider that the claim for compassionate appointment is without any justification at this distance of time. The scheme for compassionate appointment meant for providing immediate employment assistance to the family placed in indigent circumstances and such employment assistance cannot wait for indefinite period for 25 years and such claim could be considered after a passage of considerable time. If the present claim is to be considered, that would defeat the very scheme of providing immediate employment assistance to the deceased family and certainly, such stale claim cannot be allowed to be

entertained by this Court under any circumstances. For the above said reason, this Court is unable to entertain this Writ Petition even for a second and therefore, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Principal Secretary,
The State of Tamil Nadu
Transport Department Secretariat,
Chennai - 600 009.
- 2.The Managing Director
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
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Coimbatore - 641 043.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

+lcc to Mr.P.Ulaganathan, Advocate, S.R.No. 73105

+lcc to the Government Pleader, S.R.No. 74032

सत्यमेव जयते

W.P.No.25130 of 2019

NR(CO)

GN(18/10/2019)

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