



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.15182 of 2015

and

M.P. (MD) Nos.1 & 2 of 2015

K.Bakiyalakshmi

... Petitioner

vs.

1. The Managing Director
Tamil Nadu State Transport Corporation
Tirunelveli

2. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Tiruvalluvar House, Pallavan Salai
Chennai

3. The General Manager
Tamil Nadu State Transport Corporation
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling the impugned proceedings of the 3rd Respondents in Letter No.034237/A VI PO GA VA/2011 dated 25.08.2011 and quash the same and consequently directing the respondent to give compassionate appointment to the petitioner's son and directing the respondent to give family pension to the petitioner.

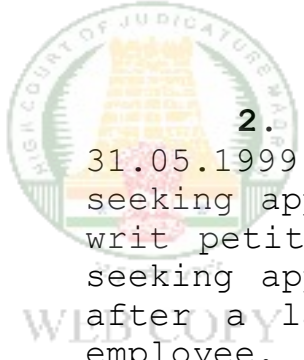
For Petitioner : Mr.S.Saji Bino

For Respondents: Mr.K.Sathiya Singh for R1 & R3

Mr.A.P.Muthupandian for R2

O R D E R

The order of rejection, dated 25.08.2011, rejecting the claim of the writ petitioner for appointment on compassionate grounds is under challenge in the present writ petition. Further direction is sought for to the respondents to settle the terminal and pensionary benefits of the deceased employee and to grant family pension to the writ petitioner.



2. Admittedly, the husband of the writ petitioner died on 31.05.1999 on account of illness. However, the application seeking appointment on compassionate grounds was submitted by the writ petitioner only on 13.05.2011. Admittedly, the application seeking appointment on compassionate grounds itself was submitted after a lapse of 12 years from the date of the death of the employee. Though the application was submitted only in the year 2011, the pensionary benefits as well as the family pension admissible also were not settled in favour of the writ petitioner.

3. The rejection order was passed in the year 2011. However, the present writ petition itself was filed only on 19.08.2015 after a lapse of about four years from the date of passing of the impugned order. Thus, there is a delay of 12 years even in submitting the application seeking appointment on compassionate grounds and thereafter, there is a delay of about four years even in filing the present writ petition. Thus, the writ petitioner has not pursued the remedy prudently. However, the pensionary benefits and family pension cannot be denied to the writ petitioner. Pensionary benefits and family pension are the rights and the same cannot be denied in favour of the spouse of the deceased employee.

4. At this juncture, the learned counsel for the writ petitioner states that the deceased employee had served more than ten years and therefore, the writ petitioner is eligible for pensionary benefits and family pension. The learned counsel for the writ petitioner further states that the family pension and pensionary benefits are not paid on account of the pendency of the present writ petition.

5. Under these circumstance, this Court is of the considered opinion that the writ petitioner is not entitled to seek appointment on compassionate grounds on account of efflux of time and on the ground that the very application seeking appointment on compassionate grounds itself was filed after a lapse of 12 years and now after a lapse of 20 years from the date of the death of the employee. Hence, the claim of the writ petitioner seeking appointment on compassionate grounds cannot be accepted. However, terminal benefits as well as family pension are to be settled in favour of the writ petitioner with reference to the rules in force. In this regard, the respondents are directed to verify the service details of the deceased employee / husband of the writ petitioner and initiate further actions for settlement of the pensionary benefits and for grant of family pension, based on the service particulars, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to co-operate for the purpose of submitting pension proposal and for the submission of the relevant documents, if any.



6. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Krk

+ 1 CC TO Mr.S.Saji Bino, ADVOCATE IN SR No.71375

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KS (03.07.2019) 3 P 2 C