



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.11242 of 2017

WEB COPY

Sundaramoorthy

.. Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Maruthupathy,
Karaikudi Division, Karaikudi.

2.The Branch Manager,
Tamil Nadu State Transport Corporation,
Rameswaram Road,
Ramanathapuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to provide any employment to the petitioner as eligible for his qualification on compassionate ground within a time frame as may be stipulated by this Court by considering the petitioner's representation dated 29.03.2017.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed, seeking to direct the respondents to appoint the petitioner on compassionate ground.

2.The grievance of the petitioner is that since the petitioner's father died, while he was in service under the respondent Transport Corporation, the petitioner's mother initially sought appointment on compassionate ground by submitting an application along with necessary documents to the respondents. As there was no appointment provided to her, the petitioner submitted an application seeking compassionate appointment and so far he has not been given any appointment, hence, the petitioner is before this Court.

3.In the Counter affidavit, it has been stated as follows:

"5) For the purpose of getting appointment on compassionate ground, the legal heir of the deceased employee should register his name for compassionate appointment at this respondent corporation establishment within 3 years of the date



of death of an employee. But, the petitioner's mother failed to do the same and hence, he is not eligible to get the compassionate appointment to him as well as for other legal heirs"

4. Such a stand taken by the respondents, had already been considered by this Court, in the case of **J. Jeba Mary Vs. The Chairman, Tamil Nadu Electricity Board, Anna Salai, Chennai - 2 and others**, reported in **2011(3) LLN 405 (Mad)**.

5. Under such facts and circumstances of the case, this Court, without going into the merits of the petitioner's case, directs the respondents to consider the petitioner's representation dated 29.03.2017 on merits and in accordance with law and also in the light of the judgment cited supra and pass necessary orders, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The General Manager,
Tamil Nadu State Transport Corporation,
Maruthupathy,
Karaikudi Division, Karaikudi.

2. The Branch Manager,
Tamil Nadu State Transport Corporation,
Rameswaram Road,
Ramanathapuram.

+1 CC to M/s.V.RAMALINGAM, Advocate (SR-48011[F] dated 19/02/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-48153[F] dated 19/02/2019)

W.P (MD) No.11242 of 2017
18.02.2019

dsk

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