

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.7184 of 2020

T.L.Vishnupriya

... Petitioner

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Villupuram Division,
Salamedu, Valudhareddy,
NH45, Villupuram District.

2. The General Manager,
Tamilnadu State Transport Corporation Ltd.
(Villupuram),
Vellore Region,
Sathuvachery, Vellore, Vellore District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned letter No.2169/Ni2/TNSTC (Villupuram) Vellore/2014 dated 31.10.2014 and Letter No.261/Ni2/TNSTC (Villupuram) Vellore/2016 dated 18.10.2019 on the file of the 2nd respondent, and quash the same and direct the respondents to reconsider the application / representation of the petitioner in giving appointment to the petitioner in a suitable post on the basis of her educational qualification on compassionate ground.

For Petitioner : Mr.C.Senapathi

ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned letter No.2169/Ni2/TNSTC (Villupuram) Vellore/2014 dated 31.10.2014 and Letter No.261/Ni2/TNSTC (Villupuram) Vellore/2016 dated 18.10.2019 on the file of the 2nd

respondent, and quash the same and direct the respondents to reconsider the application / representation of the petitioner in giving appointment to the petitioner in a suitable post on the basis of her educational qualification on compassionate ground."

2. The case of the petitioner is that her father was an employee, lastly employed at Gudiyatham Depot in Tamil Nadu State Transport Corporation Limited. He died on 10.03.2012, while in service. Immediately after his death, an application dated 24.09.2012 was submitted seeking compassionate appointment. However, the request for compassionate appointment was turned down on 31.10.2014, on the ground that one of the legal heirs of the deceased employee was a government pensioner and therefore, the family was not in indigent circumstances.

3. Thereafter, on behalf of the petitioner, the request has been periodically renewed stating that the pension payable to the father of the deceased employee was hardly sufficient to meet the requirements of the family and therefore, seeking consideration for appointment on compassionate grounds. However, the request was again rejected on 09.03.2015, citing the Government instructions dated 05.01.1990. Even thereafter, continuous request has been made and recently on 18.10.2019, the 2nd respondent sent a reply stating that the petitioner was already informed about the inability of the Corporation to accept her request for the stated reasons.

4. The writ petition is filed challenging the present order dated 18.10.2019.

5. According to the learned counsel appearing for the petitioner the recent request has been made on behalf of the petitioner, reiterating the same reasons that the family was unable to meet its requirements without sufficient source of income. Since the request was not properly considered and rejected on 18.10.2019, the petitioner is before this Court challenging the same in this writ petition.

6. This Court is unable to appreciate as to how the petitioner could be allowed to approach this Court seeking for compassionate appointment for the cause of action, which had arisen as early as on 2012. When the original request was made within the time, the same was rejected on 31.10.2014. Thereafter, there was a further rejection by the respondents on 09.03.2015. However, not being satisfied with the rejection orders, the petitioner continued to represent and recently it evoked response from the respondent on 18.10.2019, which appeared to have given a fresh cause of action for the petitioner before this Court. In fact, the rejection order

dated 18.10.2019 only reiterated what was early rejected in 2014 and 2015 and nothing new has been stated.

7. This Court is of the view that repeated representations cannot extend the cause of action for a indefinite period of time. Time and again this Court has held that employment assistance under the scheme for compassionate appointment is meant to provide such assistance immediately on the demise of the bread winner of the family and it cannot be claimed as a matter of right, after a considerable passage of time. In this case, the death of the employee was in the year 2012 and the rejection of the petitioner's request on the stated ground was in the year 2014. Nothing has been mentioned in the affidavit as to why the petitioner had kept quiet for six long years, when originally her request came to be rejected by an order dated 31.10.2014. Even otherwise, it is the authority, who can decide the financial status of the family seeking compassionate appointment and once an order of rejection was passed on merits, unless it is found to be ex facie arbitrary or illegal, the same cannot be interfered with. This Court on the facts of the case, does not find any infirmity in the decision conveyed by the respondents to the petitioner.

8. For the above said reason, the writ petition is dismissed, both on not being maintainable as well as on merits. No Costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

To

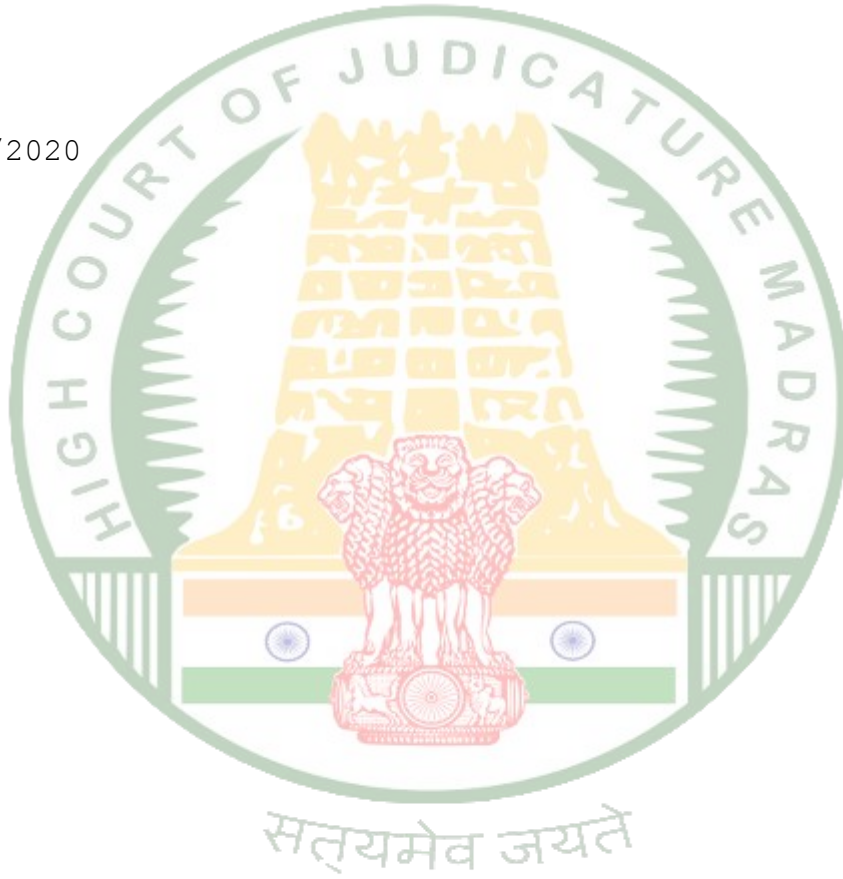
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