

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved on	28.02.2020
Pronounced on	28.05.2020

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
W.P. (MD) No.11269 of 2019

Manikandan

...Petitioner

Vs.

The Assistant Manager,
Administrative Department,
Tamil Nadu State Transport Corporation,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the respondent to consider the petitioner for appointment of compassionate ground by considering the petitioner's representations dated 26.01.2019 and 27.04.2019.

For Petitioner : Mr.P.Kalimuthu
For Respondent : Mr.J.Senthil Kumaraiah
Standing Counsel

O R D E R

The petitioner's father, who was employed with the respondent herein, had died in harness. The petitioner, who claims to be the legal heir of the deceased employee, had made an applications before the respondent on 26.01.2019 and 27.04.2019, seeking for appointment on compassionate ground. Since the said applications were not considered in time, the present Writ Petition has been filed.

2. Heard Mr.P.Kalimuthu, learned counsel for the petitioner and Mr.J.Senthil Kumaraiah, learned Standing counsel appearing on behalf of the respondent.

3. It is needless to point out that whenever an application of this nature has been made, the concerned authorities are duty bound to consider such application in one way or the other, instead of keeping it pending indefinitely. Such non consideration of the application would amount to dereliction of the duties of such an authority and therefore, the petitioner would be justified in invoking the extraordinary powers of this Court under Article 226 of the Constitution of India.



4. It would be pertinent to point out here that in all cases where claim is made for compassionate appointment, the concerned authorities are required to act efficaciously and speedily, since the very purpose of providing appointment on compassionate ground is to mitigate the hardship due to the death of the bread-earner in the family and that there should not be any delay in such appointments. This proposition was held by the Hon'ble Apex Court in the case of **Sushma Gosain Vs. Union of India** reported in **1989 (4) SCC 468** had held as follows:

'It must be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant.'

5. The same ratio was reiterated by the Hon'ble Apex Court in the case of **Canara Bank Vs. M.Mahesh Kumar** reported in **2015 (7) SCC 412**.

6. In the light of the above observations, the concerned respondent is directed to consider the petitioner's representations dated 26.01.2019 and 27.04.2019 as efficaciously as possible in any event, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To
The Assistant Manager,
Administrative Department,
Tamil Nadu State Transport Corporation,
Madurai.

Order made in
W.P. (MD) No.11269 of 2019
28.05.2020