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W.A.(MD) No.268 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.A. (MD) No.268 of 2021
and
C.M.P. (MD) No.873 of 2021**

The Managing Director
Tamil Nadu State Transport Corporation
Madurai Division
Bye-Pass Road
Madurai-16

... Appellant/Respondent

-vs-

J.Edwin Jeyanthirani

... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.06.2020, passed in W.P.(MD) No.694 of 2020, on the file of this Court.

Prayer in WP(MD). 694 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the entire records pertaining to the impugned order in Madurai /Sattam/15252/2018 dated 04.07.2019 passed by the sole respondent and quash the same as unconstitutional.

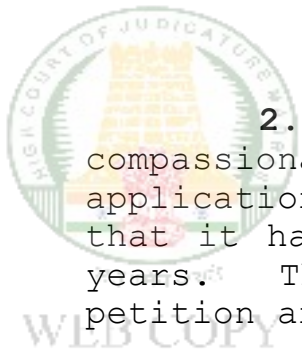
For Appellant : Mr.J.Senthil Kumaraiah

For Respondent : Mr.Jegadeeswaran

J U D G M E N T

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

This writ appeal by the Transport Corporation is directed against the order, dated 29.06.2020, passed in W.P.(MD) No.694 of 2020.



2. The respondent / writ petitioner sought for compassionate appointment as her husband died in harness. The application was rejected by order dated 04.07.2019 on the ground that it has been submitted beyond the stipulated period of three years. The said order was put to challenge in the said writ petition and it was allowed.

3. As rightly pointed out by the learned counsel for the appellant - Transport Corporation, compassionate appointment cannot be a source of recruitment and it can be granted only if the applicant fulfills the eligibility criteria mentioned in various Government Orders and Resolutions / Regulations framed by the appellant - Transport Corporation. Hence, the learned Single Bench was not right in allowing the writ petition. Though we can express our sympathy for the respondent / writ petitioner and her family, we cannot issue any order for grant of compassionate appointment to the respondent / writ petitioner as she does not fulfil the eligibility criteria.

4. For the above reasons, the writ appeal is allowed and the order dated 29.06.2020, passed in W.P.(MD) No.694 of 2020, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

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Sub Assistant Registrar(CS)

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Note :

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To

The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, Bye-Pass Road, Madurai-16

W.A. (MD) No.268 of 2021
and C.M.P. (MD) No.873 of 2021
15.04.2021

mj (CO)

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