



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.2142 of 2021

(Through Video Conference)

R.Manjula Devi

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai 625 010

2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai Region,
Madurai District.

3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Tirumangalam Branch,
Madurai Region, Madurai District.

... Respondents

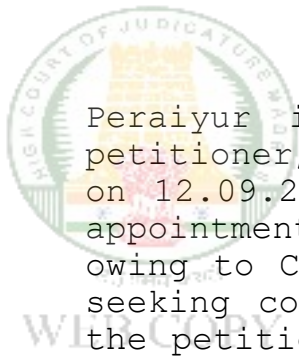
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings bearing No.NIRUVAKAM/A2/3336/2020 dated on 03.11.2020 on the file of the 3rd respondent and to quash the same and subsequently, direct the respondents to appoint the petitioner on the basis of compassionate ground in any one of the post in the Respondent Transport Corporation.

For Petitioner : Mr.Edin Brough.P

For Respondents : Mr.J.Senthilkumaraiah

O R D E R

The petitioner's husband, died in harness on 29.08.2017. The petitioner is a Destitute Widow, as certified by the Tahsildar,
<https://heservices.ecourts.gov.in/hcservices/>



Peraiyur in his certificate dated 12.09.2020. According to the petitioner, since the Destitute Widow certificate was obtained only on 12.09.2020, she could make an application seeking compassionate appointment, only on 29.09.2020. In view of the lock-down procedures owing to COVID-19 pandemic situation, the submission of application seeking compassionate appointment was delayed by one month. Hence, the petitioner seeks sympathetic consideration to have the impugned order, dated 03.11.2020 quashed and her application reconsidered.

2. It is no doubt true that in G.O.Ms.No.18, Labour and Employment (Q1) Department, the time limit for filing an application seeking for compassionate appointment is three years from the date of death of the employee. However, owing to the lock-down declared due to COVID-19 pandemic situation, there has been a total shut down of work in various Departments of the Government. The petitioner's Destitute Widow certificate was received on 12.09.2020 only and the last date of the three-year period from the date of death of the employee for submission of the application for compassionate appointment, was on 29.08.2020.

3. The delay on the part of the Tahsildhar, Peraiyur in issuing the Destitute Widow certificate cannot be put against the petitioner. particularly, when the Government has been relaxing various norms during the pandemic situation. The above said delay of one month during the pandemic situation may be considered as a special case and the second respondent herein, shall consider the observations made in this order and thereby, reconsider the petitioner's application.

4. Accordingly, the impugned order made in No.NIRUVAKAM/A2/3336/ 2020 dated on 03.11.2020 on the file of the 3rd respondent is quashed and the matter is remanded back to the second respondent for fresh consideration, in the light of the observations made in this order, the second respondent herein, shall endeavour to take a final call on the petitioner's request, atleast within a period of three months from the date of receipt of a copy of this order.

5. With these observations and directions, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sts

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai 625 010
2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai Region,
Madurai District.
3. The Branch Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Tirumangalam Branch,
Madurai Region, Madurai District.

+1 CC to Mr.M.GANAGURUNATHAN, Advocate (SR-5233[F]
dated 15/02/2021)

Order made in
W.P. (MD)No.2142 of 2021
15.02.2021

VB (25.03.2021) 3P 5C