



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.7956 of 2021

WEB COPY

R.Lakshmi

... Petitioner

vs.

1.The Secretary to the Government,
Transport Department,
Fort St. George, Chennai.

2.The Managing Director,
TNSTC Kumbakonam Region III,
Railway Station New Road,
Post Box No.46, Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Karaikudi Division,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner's daughter namely Nivetha in any post on the compassionate appointment at the respondents Tamil Nadu State Transport Corporation based on the representations of the petitioner dated 17.09.2003, 31.01.2012, 26.08.2013, 27.08.2016, 01.02.2021 and 03.04.2021.

For Petitioner : Mr.B.Prahalad Ravi

For R - 1 : Mr.R.Murugaraj
Government Advocate

For RR 2 & 3 : Mr.D.Sivaraman

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, directing the respondents to appoint the petitioner's daughter namely, Nivetha on compassionate ground, based on the representations of the petitioner, dated 17.09.2003, 31.01.2012, 26.08.2013, 27.08.2016, 01.02.2021 and 03.04.2021.

2.Mr.R.Murugaraj, learned Government Advocate accepts notice on behalf of the first respondent and Mr.D.Sivaraman, learned counsel accepts notice on behalf of the respondents 2 and 3.



3. According to the petitioner, her husband Rajaram was working as a Conductor in the third respondent/Tamil Nadu Transport Corporation Limited and he died on 11.10.2002, while in service. The petitioner gave a representation for appointment on compassionate ground immediately on 08.11.2002 and thereafter, sent several applications from the year 2002 to 2012, seeking appointment on compassionate ground. She has also met the third respondent, who gave evasive reply and informed the petitioner that due to ban order issued by the Government, the appointment on compassionate ground could not be made.

4. Further, according to the petitioner, her daughter had completed her graduation in B.Sc (Bio-Chemistry) and she is eligible for appointment on compassionate ground and the petitioner sent a representation, dated 03.04.2021 to the respondents, seeking appointment on compassionate ground to her daughter. So far no steps have been taken on the side of the respondents and therefore, the petitioner has come out with the present Writ Petition.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

6. From the typedset of papers filed by the petitioner, it is seen that the petitioner has enclosed various representations, including the representation, dated 03.04.2021. The Writ Petition is filed on the same day ie., 03.04.2021. The petitioner has not produced any proof to show that the representations mentioned in the affidavit and filed in the typedset of papers were sent to the respondents and the same were received by the respondents. The petitioner gave the representation on 03.04.2021 and filed the Writ Petition on the same day. Even for the representation, dated 03.04.2021, the petitioner has not filed any proof, which was sent on that day. In the absence of any proof for having sent the applications for appointment on compassionate ground, the petitioner is not entitled to the relief sought for now in the Writ Petition ie., 19 years after the death of her husband. Hence, the Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

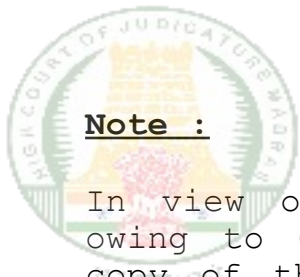
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

ps



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 Secretary to the Government,
Transport Department,
Fort St. George, Chennai.
- 2.The Managing Director,
TNSTC Kumbakonam Region III,
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- 3.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Karaikudi Division,
Sivagangai District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-16349[F] dated 19/04/2021)

+1 CC to M/s.SPL GP (SR-16502[F] dated 19/04/2021)

W.P (MD) No.7956 of 2021
17.04.2021

RK (28.04.2021) 3P 6C