



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.5758 of 2019

A.Sangeetha

... Petitioner

-vs-

1.The General Manager,
Tamil Nadu Transport Corporation Ltd.,
Madurai Division,
Tirunelveli Zonal,
Vannarapettai,
Tirunelveli District.

2.The Assistant Manager,
Tamil Nadu Transport Corporation Ltd.,
Thoothukudi City Branch,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to place the name of the petitioner in the year 2005 seniority in the Tamil Nadu Transport Corporation Department for compassionate appointment instead of keeping the petitioner in the seniority from the year of 2018, in accordance with law.

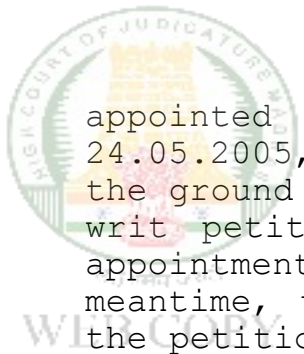
For Petitioner : Mr.R.Alagumani

For Respondents : No Appearance

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus to direct the respondents to place the name of the petitioner in the seniority list of 2005 in the Tamil Nadu Transport Corporation Department for compassionate appointment instead of keeping the petitioner's name in the seniority from the year of 2018, in accordance with law.

2. The case of the petitioner is that his father was



appointed as Conductor in the Respondents Corporation and on 24.05.2005, the petitioner's father was discharged from service on the ground of medical invalidation. The petitioner's father filed a writ petition in W.P.(MD)No.12170 of 2010, seeking compassionate appointment to his wife, viz., petitioner's mother. In the meantime, the petitioner's father died on 17.09.2013. Thereafter, the petitioner's mother filed a miscellaneous petition in W.M.P.(MD) no.5129 of 2018 in the pending W.P.(MD)No.12170 of 2010, seeking compassionate appointment to the petitioner and this Court, by order dated 19.04.2018, directed the respondents to consider the petitioner for compassionate appointment. The petitioner has received a communication from the respondents that his name has been included in the seniority list of 2008. According to the petitioner, since his father was discharged from service on 24.05.2005, his name has to be included in the seniority list of 2005 and not in the seniority list of 2018. In this regard, the petitioner has given a representation on 07.02.2019. However, the same was not considered by the respondents and the same is still pending. Hence, the petitioner has come out with the present Writ petition.

3. Even though the petitioner has made a larger relief, in the hearing today, the learned counsel appearing for the petitioner restricted the prayer and submitted that it would suffice, if there is a direction to the second respondent to dispose the representation of the petitioner dated 07.02.2019.

4. Considering the limited scope of prayer now sought for by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the petitioner's representation dated 07.02.2019, on its own merits and in accordance with law and pass orders as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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.

vsm

To

- 1.The General Manager,
Tamil Nadu Transport Corporation Ltd.,
Madurai Division,
Tirunelveli Zonal,
Vannarapettai,
Tirunelveli District.
- 2.The Assistant Manager,
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MGJ(27.08.2021) 3P 3C