



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.17332 of 2021

Vijaya Ananda Kumar

... Petitioner

Vs.

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
New railway station road,
Kumbakonam - 612 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in his proceeding No. Parvai: ThaAAPoKa/Karai/Papi/Pa1/41-1/2021 dated 12.02.2021 and quash the same and consequently to direct the respondent to provide appointment on compassionate ground within the stipulated period.

For Petitioner : Mr.C.Thangamani
For Respondent : Mr.P.Balasubramanian,
Standing Counsel for State.

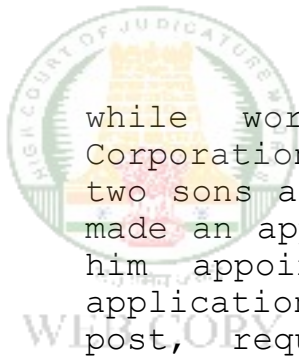
ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in his proceeding No. Parvai: ThaAAPoKa/Karai/Papi/Pa1/41-1/2021 dated 12.02.2021 and quash the same and consequently to direct the respondent to provide appointment on compassionate ground within the stipulated period.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents and perused the entire records.

4. According to the petitioner, his father Late Venkatraman



while working as a Conductor in the respondent Transport Corporation, died in harness on 17.09.2021 leaving behind his wife, two sons and a daughter. After his father's demise, the petitioner made an application in person to the respondent, seeking to provide him appointment on compassionate grounds. Later, he sent an application dated 20.09.2014 to the respondent through registered post, requesting to provide compassionate appointment to him. However, even after expiry of more than 14 years from the date of death of his father, the petitioner was not provided the appointment. Later, pursuant to the direction of this Court in WP (MD) No.3908 of 2015, the respondent passed order dated 27.05.2015, rejecting the request of the petitioner on the ground that he had not submitted the application within the prescribed three years from the date of death of his father. While so, the petitioner again made an application dated 28.12.2020 to the respondent, which was also rejected by the respondent vide proceedings dated 12.02.2021 on the same ground. Aggrieved by the same, the petitioner has come forward with the present Writ Petition.

5. On a perusal of the records, it appears that the petitioner has not been made an application seeking compassionate appointment within the prescribed period of three years from the date of the death of his father. Citing the said reason, the respondent has rejected the application as early as in the year 2015 vide proceedings dated 27.05.2015. It is pertinent to note that the petitioner has not challenged the said proceedings. While so, the petitioner once again made an application dated 28.12.2020 to the respondent, which was also rejected by the respondent vide impugned proceedings dated 12.02.2021 for the same reason. This Court does not find any infirmity in the said order to interfere with the same. Hence, the Writ Petition is liable to be dismissed.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
New railway station road,
Kumbakonam - 612 001.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-30262[F] dated
24/09/2021)

+1 CC to M/s.C.THANGAMANI, Advocate (SR-30273[F] dated 24/09/2021)

W.P (MD) No.17332 of 2021
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RD(11.10.2021) 3P 4C