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W.A.(MD) No.1938 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM :

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

AND

THE HON'BLE MR.JUSTICE K. MURALI SHANKAR

W.A.(MD) No.1938 of 2021

and

C.M.P(MD)No.8648 of 2021

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

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

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

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

... Appellants/Respondents

Vs

R.Manjula Devi

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court made in W.P(MD)No.2142 of 2021, dated 15.2.2021.

Prayer in WP(MD). 2142 of 2021 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court (S-5)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 Appellant

: Mr.Rajasekar
for Mr.J.Senthil Kumaraiah

JUDGMENT

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Challenging the order passed in W.P(MD)No.2142 of 2021, the respondents in the Writ Petition have filed the above Writ Appeal.

2.The respondents herein, filed the Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings, dated 03.11.2020, issued by the third respondent and to quash the same, consequently directing the respondents to appoint the petitioner on the basis of compassionate grounds in any one of the post in the respondent- Department.

3.It is not in dispute that the writ petitioner's husband died in harness, on 29.08.2017 and that she has submitted her application seeking for appointment on compassionate grounds on 29.09.2020.The writ petitioner contended that though the last date for submission of application fell on 29.08.2020, she could not submit her application for the reason that she could get the Destitute Widow Certificate only on 12.09.2020 and that the last date also fell during pandemic period.The third appellant by impugned order, dated 03.11.2020, rejected the application, on the ground that it was submitted one month after the last date.

4.No doubt, the writ petitioner should have submitted the application within three years from the date of death of her husband, but due to the pandemic lock-down procedures and also that she received the Destitute Widow Certificate only on 12.09.2020, she could not submit her application on or before 29.08.2020.

5.The learned Single Judge taking into consideration the pandemic lock-down procedures and that the writ petitioner obtained the Destitute Widow Certificate only on 12.09.2020, directed the appellants to consider the application submitted by the writ petitioner, as a special case and provide employment to her.We are in total agreement with the order passed by the learned Single Judge in the Writ Petition. The writ petitioner was not in a position to submit her application on or before 29.08.2020, only for the reason that the last date fell during the pandemic lock-down period and that she could obtain the Destitute Widow Certificate only on 12.09.2020, the appellants would have taken a sympathetic view and passed an order in her favour.

6.In such view of the matter, we do not find any ground to interfere with the order passed by the learned Single Judge. The writ Appeal is liable to be dismissed and accordingly, the same



stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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,
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JUDGMENT MADE IN
W.A. (MD) No.1938 of 2021
and
C.M.P (MD) No.8648 of 2021
21.10.2021

SRR (CO)

GC/JC (02.11.2021) 3P 4C