



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.2312 of 2018

M.Manivannan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

2.The General Manager,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

3.The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Melur Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned letter No.Tip1665/Ma.Va.2/Avi.Po..Ka.Tha.Na./2017 dated 14.02.2017 passed by the second respondent and quash the same and consequently direct the respondents to consider the claim for appointment on compassionate ground on account of the death of the petitioner's father, M.Muniyandi who was working as driver in the respondent Transport Corporation.

For Petitioner : Mr.M.THANGA PRAKASH, Advocate

For Respondents : Mr.K.SATHIYA SINGH
Standing Counsel

O R D E R

The petitioner had sought compassionate appointment in the Tamilnadu State Express Transport Corporation in place of his father, who had passed away, while in harness in the position of Driver.

2. The impugned order dated 14.02.2017 rejects his application seeking compassionate appointment on the ground that the application has not been filed within a period of 3 years from the date of demise of the father i.e 05.11.2005.

3. However, in counter filed by the respondents dated Nil March 2018, they state that the application of the petitioner has been registered for grant of compassionate appointment. This is also



supported by a communication of the respondent dated 03.01.2006, wherein, they state that the application of the petitioner for compassionate appointment will be considered as soon as there is a vacancy in that regard.

4. The position that the application is within time, has been processed and registered for appointment in due course, is thus beyond any doubt. As per paragraph No. 9 of the counter the seniority of the petitioner at the time of filing of counter, is stated to stand at 283, and learned counsel appearing for the respondents states that as on date his seniority is 239 in the list.

5. It is thus a matter of time for the petitioner's turn for appointment. The impugned order, that proceeds on the basis that his application is beyond time is clearly erroneous and has been given a go-by by the Corporation. It is hence quashed and this writ petition allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Managing Director,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai, Chennai - 600 002.

2.The General Manager,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai, Chennai - 600 002.

3.The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Melur Road, Madurai.

+1 cc to Mr.T.SENTHILKUMAR, Advocate, SR.No.37837

+1 cc to Mr.K.SATHIYA SINGH, Advocate, SR.No.37875

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Date:08.12.2021

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