



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4838 OF 2022

R.Sagaya Mary

... Petitioner

.Vs.

1. The Chief Secretary to
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary to Government
of Tamil Nadu,
Transport (C-2) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
3. The District Collector,
Villupuram District.
4. The Managing Director,
The Tamil Nadu State Transport
Corporation (Villupuram-1) Ltd.,
No.3/137, Salamedu,
Vazhudhareddy Post,
Villupuram - 605 602.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order passed by the 4th Respondent vide Ka.No.31/1531/Ni-7/TNSTC (Vizhu)/2018-2 dated 04.10.2021 and direct the 4th respondent to provide one job to the petitioner's son Subash under compassionate post in Tamil Nadu State Transport Corporation (Villupuram-1) Limited, Villupuram.



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For Petitioner : Mr.M.Karthik

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
For R1 to R3

Mr.G.Saravana Kumar
For R4

O R D E R

This writ petition has been filed seeking to issue a Certiorarified Mandamus quashing the impugned order passed by the 4th respondent dated 04.10.2021 and consequently, direct the 4th respondent to give job to the petitioner's son under compassionate ground.

2. The case of the petitioner in brief:

The petitioner's husband namely Rajamani was working as Driver in 4th respondent Corporation and he died on 28.10.2016 in a road accident. The petitioner's husband had two wives and the petitioner is the legally wedded wife. The petitioner filed a suit in O.S.No.181 of 2017 before the District Munsif Court, Tirukkivilur to declare that the petitioner and her two sons and one daughter are the only legal heirs of the deceased. The Trial Court vide order dated 22.04.2019 declared that the petitioner and her two sons and daughter and Dinesh, son of second wife are the legal heirs of the deceased Rajamani. After getting Decree from the Court, the petitioner made representation seeking compassionate appointment to her son. But it was rejected by the fourth respondent, stating that after a lapse of three years from the date of death of the deceased, the petition cannot be entertained. Hence this writ petition.

3. The learned counsel appearing for the petitioner submitted that after demise of Rajamani, the petitioner had filed a declaration suit to declare her and her sons and daughters as the legal heirs of the deceased and after getting Decree, she made representation before the authorities concerned, seeking compassionate appointment to her son. He further submitted that no opportunity was given to the petitioner to place all the materials before the authorities concerned and due to the above said bonafide reason, the petitioner was not able to give application within three years. Hence, the impugned rejection order may be quashed and the fourth respondent may be directed to give compassionate appointment to the petitioner's son.



4. Admittedly, as per the rules and regulations, the prescribed period of limitation to give representation, seeking compassionate appointment is three years. In the present case on hand, dispute was arose among the legal heirs of the deceased and after getting declaration Decree from the Court, the petitioner had approached the Authority and submitted an application seeking employment under compassionate ground. But, there is no specific provision in the Government Order for considering the application of the legal heirs of deceased employee, if any dispute is pending with Civil Court.

5. In such circumstances, the first respondent is directed to issue appropriate instructions or guidelines for entertaining those applications. Copy of this order shall be marked to the Secretary to Government, Secretariat, Labour and Employment Department, Fort Saint George, Chennai-9.

6. Accordingly it is ordered as follows.

i) The impugned order dated 04.10.2021 passed by the fourth respondent is set aside and the matter is remanded back to the 4th respondent to consider afresh and to pass appropriate orders on merits, as early as possible, after providing opportunity to the petitioner.

7. With the above directions, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chief Secretary, Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Secretary, Transport (C-2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The District Collector,
Villupuram District.



4. The Managing Director,
The Tamil Nadu State Transport
Corporation (Villupuram-1) Ltd.,
No.3/137, Salamedu,
Vazhudhareddy Post,
Villupuram - 605 602.

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Copy To:-

The Secretary to Government,
Secretariat,
Labour and Employment Department,
Fort St. George,
Chennai - 9.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.14939
+1cc to Mr.M.Karthik, Advocate, S.R.No.14496
+1cc to the Government Pleader, S.R.No.15048

W.P.NO.4838 OF 2022

RK(CO)
PBS/19/04/2022