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WP No.36255 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-09-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.36255 of 2016

S.Vijaya

..

Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam – 612 001. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to provide appointment to the petitioner on compassionate grounds in a suitable post in the respondent-Corporation consequent on the death of her father Thiru K.Sambandan on 12.12.1993 while serving as Driver in Thiruthuraipoondi Branch of erstwhile Cholan Roadways Corporation Ltd.,



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by considering her representation dated 07.04.2014.

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For Petitioner

: Mr.J.Muthukumaran for
Mr.V.Thirupathi

For Respondents

: No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide appointment to the writ petitioner on compassionate grounds.

2. The writ petitioner states that her father late Mr.K.Sambandam Pillai was working as Driver in the erstwhile Cholan Roadways Corporation Ltd., and died on 12.12.1993, while he was in service.

3. The writ petitioner submitted an application on 16.05.1994 to provide appointment on compassionate grounds. The said application of the writ petitioner was rejected by the respondents in proceedings dated 01.04.1995 stating that the married daughters are not eligible for appointment on compassionate grounds. Thereafter, the Compassionate



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Appointment Scheme was modified subsequently during the year 2012 and concession was granted to the married daughters to secure appointment on compassionate grounds. After the modified policy of Compassionate Appointment Scheme, the petitioner submitted an application in the year 2014 and the said application of the writ petitioner was not considered. Thus, the petitioner has chosen to file the present writ petition.

4. The deceased employee died in the year 1993 nearly about 29 years lapsed. At the time of death of the employee, the married daughters were not eligible for appointment on compassionate grounds. Thus there was no infirmity in respect of the order of rejection passed by the respondent-Corporation during the relevant point of time. Any modification in the Scheme of Compassionate Appointment after several years cannot be implemented with retrospective effect, so as to provide compassionate appointment to the persons, whose claims were rejected long back.

5. In the present case, the married daughters were made eligible



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in the year 2012 with certain conditions and thereafter, a modified Government Order was passed in the year 2017, including the married daughters as eligible for appointment on compassionate grounds, however, with certain terms and conditions.

6. This being the factum, the case of the writ petitioner was rejected in the year 1995 and thereafter, the writ petitioner is not eligible to submit another application seeking appointment on compassionate grounds. Once the application for compassionate ground was rejected due to change of policy at a later point of time, second application is not entertainable.

7. That apart, the petitioner even at the time of filing of the present writ petition was aged about 47 years and now she would be around 53 years and thus crossed the age limit.

8. This being the facts and circumstances, the writ petitioner is not entitled for the relief as such sought for in the present writ petition.



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9. Accordingly, the writ petition stands dismissed. However,

there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam – 612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam – 612 001.

S.M.SUBRAMANIAM, J.



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