



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.02.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD) No.3290 of 2022**

WEB COPY

Paulraj

... Petitioner

Vs.

- 1.The Principal Secretary to Government,  
Transport Department,  
Secretariat,  
St.George Fort,  
Chennai-9.
- 2.The General Manager,  
Tamil Nadu Transport Corporation Limited,  
Tirunelveli at Nagercoil,  
Tamil Nadu-629 001.
- 3.The Administrator,  
Tamil Nadu Transport Corporation Limited,  
Employees Pension Fund,  
Pallavan Salai,  
Chennai-600 002.
- 4.The Managing Director,  
Tamil Nadu Transport Corporation Limited,  
(Tirunelveli),  
Vannarapettai,  
Tirunelveli-627 003.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 2 to 4 to sanction pension and other monetary benefits, by considering the petitioner's representation dated 06.06.2021 submitted through online, within the time frame that may be stipulated by this Court.

|                  |                               |
|------------------|-------------------------------|
| For Petitioner : | Mr.C.Vetrian                  |
| For Respondent : | Mr.N.Satheesh Kumar           |
|                  | Additional Government Pleader |

**O R D E R**

The Writ of Mandamus has been filed seeking a direction to the respondents 2 to 4 to sanction pension and other monetary benefits by considering the petitioner's representation dated 06.06.2021.

2. The petitioner admittedly was working as Driver in Erstwhile Nesamony Transport Corporation Limited on 06.01.1985.



Thereafter, he was regularly appointed as Driver on 21.11.1995 in the respondents Corporation. The petitioner states that he could not able to join duty, due to his ill-health. He was referred to the Medical Board at Government Hospital at Nagercoil and the Medical Board submitted its report advising the petitioner to undergo 10 days observation and further advised for treatment. The petitioner himself has stated that he was dismissed from service by the respondent Corporation on 19.05.2000. Admittedly, the petitioner has not challenged the order of dismissal from service passed in the year 2000 and thereafter, he made representation to the Authorities which was also rejected. Now after a lapse of 22 years from the date of dismissal from service and more so, at the age of 68 years, the petitioner has chosen to file a writ petition seeking terminal benefits.

3. The learned counsel appearing for the writ petitioner made a submission that the petitioner has got three sons and one compassionate appointment may be given to the family of the petitioner.

4. High Court is not expected to grant relief based on misplaced sympathy in such matters where the employee was dismissed from service. The dismissed employee is not entitled for any compassionate appointment. Only the scheme of compassionate appointment is to be implemented strictly in accordance with the terms and conditions. Therefore, it is not as if the High Court can grant the relief on such sympathy even to consider the representation which would result in abuse of power on some occasion. Therefore, while considering the writ petition, the rights of the petitioner or infringement of any such right is to be considered even for entertaining a writ petition.

5. In the present case, the petitioner was dismissed from service on 19.05.2000 and his request for relief was rejected by the Authorities. Now, the present Writ Petition is filed after a lapse of 22 years from the date of dismissal from service. Therefore, the petitioner is not entitled to avail the benefit of compassionate appointment scheme. For all these reasons, the Writ Petition stands dismissed on merits and on the ground of laches. No costs.

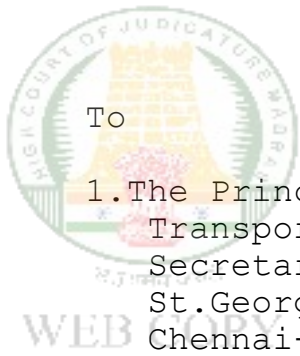
Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Principal Secretary to Government,  
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Chennai-9.
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+1 CC to M/s.C.VETRIAN, Advocate ( SR-7960[F] dated 23/02/2022 )

+1 CC to M/s.SPL GP ( SR-8048[F] dated 23/02/2022 )

W.P.(MD) No.3290 of 2022

22.02.2022

RK(03/03/2022) 3P 7C