



W.P.(MD)No.8375 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8375 of 2020

J.Vino

... Petitioner

Vs.

1. The Managing Director
Tamilnadu State Express Transport Corporation,
Pallavan Salai,
Chennai-2.
2. The General Manager
Tamilnadu State Express Transport Corporation,
Pallavan salai,
Chennai-2.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to appoint the petitioner in appropriate post on compassionate grounds in respondents corporation by considering the representation, dated 04.03.2020.



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For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.K.Senthil Kumar
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents to appoint the petitioner in appropriate post on compassionate grounds in respondents Corporation by considering the representation, dated 04.03.2020.

2. The learned counsel for the petitioner submitted that the petitioner's father was employed as a Driver in the respondent Corporation and he was removed from service for his unauthorised absence and the same was challenged before this Court by filing a writ petition in W.P.(MD) No.2718 of 2014 and this Court allowed the writ petition on 24.01.2020. However, the said order was not implemented and in the mean while the petitioner's father passed away on 22.02.2020. Thereafter, the petitioner made a application for appointment on Compassionate grounds on



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04.03.2020 and the same was not considered. Hence, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that this Court may issue a direction to the respondents Corporation to consider the petitioner's representation dated 04.03.2020 for compassionate ground appointment, within the time limit, prescribed by this Court.

4. The learned Standing Counsel appearing for the respondents submitted that the petitioner's father is irregular in duty and for his unauthorised absence, already disciplinary proceedings were initiated and he was removed from service and the same was challenged before this Court and the writ petition was allowed in his favour. Even then, he has not joined duty. As against the order passed by this Court, the respondent Corporation preferred a writ appeal before this Court in W.A.(MD)SR. No.427 of 2021. In the mean while, he passed away. Hence the petitioner has no *locus standi* to file the present writ petition seeking appointment on Compassionate grounds.



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5. Heard, Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.K.Senthil Kumar, learned Standing Counsel appearing for the respondents.

6. The facts in the present case are not in dispute. The punishment order passed against the petitioner's father for his unauthorised absence is challenged before this Court and this Court allowed the writ petition. However, the said order was not implemented and a writ appeal was preferred in W.A.(MD)SR No.427 of 2021 and the same is pending. In the mean while, the petitioner's father passed away.

7. In view of the peculiar circumstances, the petitioner claim that due to the death of his father, the family suffered a huge monetary loss, thereby, the petitioner made an application for appointment on Compassionate grounds on 04.03.20220 and this Court without expressing any opinion on the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 04.03.20220 and pass



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appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

19.12.2022

Index : Yes / No

Speaking Order : Yes / No

RM

To

1. The Managing Director
Tamilnadu State Express Transport Corporation,
Pallavan Salai,
Chennai-2
2. The General Manager
Tamilnadu State Express Transport Corporation,
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Chennai-2



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M.DHANDAPANI,J.

RM

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