



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 11346 of 2021

A.Mariappan

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Vannarappettai,
Tirunelveli.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to provide an appointment in any post in consideration of mother of the petitioner's representation dated 10.12.2015.

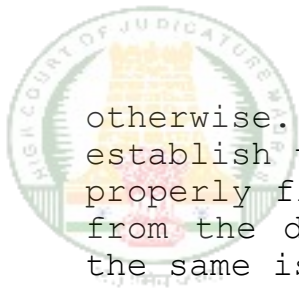
For Petitioner	:	Mr.M.P.Hariprasad
For Respondent	:	Mr.R.Rajamohan Standing Counsel

O R D E R

The relief sought for in the present Writ Petition is to direct the respondent to provide appointment to the writ petitioner on compassionate ground based on the representation dated 10.12.2015.

2. To provide a compassionate appointment mere representation is insufficient. The application must be submitted in a prescribed format along with all relevant documents including no objection from the legal heirs. The eligibility of the petitioner is also to be taken into consideration by the Competent Authority.

3. However, the fact remains that the father of the writ petitioner was died on 29.05.2013, while he was in service. Though the petitioner states that his mother submitted an application on behalf of the petitioner in the year 2015, on verification, the respondent found that no such application was received by the office of them and already nine years lapsed. The application must be submitted within a period of three years from the date of death of the deceased employee. Therefore, only in the event of establishing the receipt of acknowledgment of the proper application by the respondent, the case of the petitioner is to be considered, but not



otherwise. Therefore, it is left open to the writ petitioner to establish that the application seeking compassionate appointment was properly filed before the respondent within a period of three years from the date of death of deceased employee and in such an event, the same is to be considered on merits.

4. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

vji

To

The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Vannarappettai,
Tirunelveli.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-10122[F] dated 04/03/2022)

W.P. (MD) No. 11346 of 2021

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AM(CO)

GC(24.03.2022) 2P 3C