



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.4853 of 2016

A.Panimatha

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Byepass Road,
Madurai - 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region,
Byepass Road,
Dindigul - 4.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to consider the claim of the petitioner for appointment on Compassionate Grounds due to the death of the petitioner's husband in any one of the suitable post to which the petitioner is eligible as per the 12(3) Settlement dated 30.09.1992 and in terms of G.O.Ms.No.120 Labour and Employment Department dated 26.06.1995 within a reasonable time.

For Petitioner	:	Mr.S.Govindan
For Respondents	:	Mr.N.Rajasekar, For Mr.J.Senthil Kumaraiah.

ORDER

This Writ Petition has been filed for Mandamus directing the respondents to consider the claim of the petitioner for appointment on compassionate appointment due to the death of the petitioner's husband.

2. The contention of the petitioner is that her husband joined the service in the respondent Corporation on 20.04.2013 and he died on 26.11.2015. Since he has completed 240 days, he is entitled to permanency. As per the terms under 12(3) Settlement, it has been stated under the heading "Employment Recruitment" in Clause (1) of vacancies arising in STCs shall be normally filled up by the candidates sponsored through the employment exchanges. However, it is not applied for the employment offered to the children of the



deceased employee who was engaged as a "Reserve Driver". The respondent Corporation is having a scheme of granting compassionate appointment but the claim of 240 days is disputed by the respondents official.

3. This Court under Article 226 of the Constitution cannot go into factual dispute. Therefore, this Court is directing the respondents to consider the petitioner's case sympathetically and passed an order within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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SJ(CO)
KB(10.03.2022) 2P 3C