



WEB COPY



W.P.No.3934 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3934 of 2023

H.Nivedha

... Petitioner

VS.

1.The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
Anna Salai, Chennai – 600 002.

2.H.Prasanna

3.S.Sushmitha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider petitioner's representation dated 02.01.2023 and grant compassionate ground appointment to her.

For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.R.Balaji
Standing Counsel – for R1



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ORDER

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This writ petition has been filed for the issue of writ of mandamus directing the first respondent to consider the representation made by the petitioner on 02.01.2023 and to grant compassionate appointment to the petitioner.

2.The case of the petitioner is that her father was working in the first respondent Corporation and he died during the year 2013. Thereafter, there was some dispute between the family with regard to share in the terminal benefits and the family pension. Ultimately, a writ petition came to be filed before this Court in W.P.No.20922 of 2018 and based on the settlement arrived at between the parties, Lok Adalat award was passed on 09.09.2019. For proper appreciation, the entire Award is extracted hereunder :

“The Writ Petition No.20922 of 2018 pending on the file of High Court, Madras has been referred to Lok Adalat for conciliation on 03.01.2019.

2.The writ petition has been filed by the wife of the deceased conductor along with younger daughter opposing the respondents 1 & 2, Transport Officials, and the respondents 3 & 4 another daughter and mother of the deceased conductor respectively for a writ of



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mandamus directing the 1st respondent to disburse the death cum retiral benefits, pension etc., to the legal heirs of the deceased conductor.

3.The petitioners and the Respondents 3 & 4 along with their respective counsel are present.

4.This matter was once discussed with elaborately for settlement before the Lok Adalat I on 27.08.2019. As seen from the notes of the Hon'ble Judge, the settlement has been agreed by both parties tentatively. Now, the settlement between the parties has been slightly changed as per the following terms as agreed by both parties.

(i) Terminal Benefit of the deceased conductor shall be divided into 3 shares wherein one share shall go to the Mother of the deceased who is the 4th respondent herein and other 2 shares shall go to the 2nd petitioner and the 3rd respondent, children of the deceased conductor, equally.

(ii) So far as the Family Pension is concerned, arrears of the Family Pension shall be divided into equally to the petitioners 1 & 2 and the 3rd respondent.

(iii) Regarding the Future Family pension is concerned, If the Family Pension is below Rs.6,000/-, the 1st petitioner, wife of the deceased shall pay Rs.2,000/- to the 3rd respondent. If it is exceeded above



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Rs.6,000/-, she will pay Rs.3,000/- to the 3rd respondent till the 3rd respondent is appointed on the compassionate Ground in Metropolitan Transport Corporation.

(iv) The 1st petitioner and the 2nd petitioner have no objection for the compassionate appointment in favour of the 3rd respondent.

(v) The 1st petitioner cannot claim any share in the immovable property of the deceased conductor if any.

5. The respondents 1 & 2 shall carry out the orders in favour of the parties within six weeks after receipt of the copy of this Order.

6. In view of the above, the Writ petition is disposed of accordingly.”

3.The grievance of the petitioner is that the third respondent is now married and she is well settled in life and she and her spouse are both earning members. Hence, the petitioner is seeking for compassionate appointment for herself. A representation was made in this regard to the first respondent on 02.01.2023. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.



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4.Heard Mr.M.Senthilkumar, learned counsel for the petitioner and Mr.R.Balaji, learned Standing Counsel appearing for the first respondent.

5.In the considered view of this Court, there was already a Lok Adalat Award passed and it is clear from the above Award that the petitioner along with her mother have categorically stated that they have no objection in granting the compassionate appointment in favour of the third respondent. There seems to be some subsequent change of circumstances, whereby, the third respondent is now married and she is employed elsewhere. That by itself, will not give a cause of action for the petitioner, since the petitioner for the first time, is seeking for compassionate appointment in the year 2023. Admittedly, her father died in the year 2013 and a compassionate appointment cannot be considered after a lapse of ten years in favour of the petitioner. If the request made by the petitioner is considered, it will defeat the whole object of granting compassionate appointment.

6.In the light of the above, this Court does not find any merits in this writ petition and no useful purpose will be served in directing the



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N. ANAND VENKATESH, J.

ssr

respondent Corporation to consider the representation made by the petitioner.

7.In the result, this writ petition stands dismissed. No Costs.

13.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
sp/ssr

To

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
Anna Salai, Chennai – 600 002.

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