



WEB COPY

W.P.No.9884 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.9884 of 2023

Mrs.P.Priyadharshini

... Petitioner

Versus

1. The Secretary to Government
Department of Transport,
Secretariat, Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
Coimbatore Division,
No.38, Mettupalayam Road,
Coimbatore – 641 043.
3. The Zonal Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Division II,
Chennai-malai Road, Erode – 638 001.

4. Mrs.P.Preethi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Managing Director, Tamil Nadu State Transport Corporation, Coimbatore Division, 38, Mettupalayam Road, Coimbatore – 641 043, the second respondent herein to consider the petitioner's representation dated 01.06.2022 and pass suitable orders thereon within a time frame as may be fixed by this Court.



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For Petitioner : Mr.B.Nedunchezhiyan

For RR1 and 2 : Mr.B.Vijay

ORDER

The Writ Petition has been filed in the nature of Writ of Mandamus to direct the Managing Director, Tamil Nadu State Transport Corporation, Coimbatore Division, 38, Mettupalayam Road, Coimbatore – 641 043, the second respondent herein, to consider the petitioner's representation, dated 01.06.2022 and pass suitable orders thereon within a time frame fixed by this Court.

2. The case of the petitioner in brief:

(a) The petitioner's father viz., R.Palanisamy was working as a Driver under the second respondent/Transport Corporation and while he was in service, he passed away leaving behind his mother namely, Nachal and his wife namely Samiyathal and his two daughters viz., Mrs.Priyadarshini, the petitioner herein and one Mrs.Preethi, the fourth respondent herein, who is the younger sister of the petitioner herein. The deceased Palanisamy was the sole earning member of the family and since he was no more, one member of his family could get appointment on compassionate grounds, if they are eligible. During his



life time, the deceased Palanisamy had purchased three properties out of his own funds and the three properties are situated at Kangayam Village, Erode District and his mother, wife and two daughters are his legal heirs and as such, all the four members are entitled to equal shares in all the three properties. While so, an understanding was arrived that the petitioner should give “No Objection” to her younger sister /fourth respondent herein to get employment on compassionate grounds from the second respondent/Corporation and her younger sister/fourth respondent shall not claim any share in the Death benefits of her father/deceased Palanisamy and also, the three properties could be divided by the other legal heirs and in continuance of the understanding, the petitioner herein gave “No Objection” to her younger sister for getting appointment on compassionate grounds. However, her mother Samiyathal and her younger sister, Preethi turned around and denying the understanding between them against the petitioner herein and her grandmother, Nachal and hence they filed a Suit in O.S.No.166 of 2022, seeking 1/4th share to each of them and the same is pending on the file of the Subordinate Court, Kangeyam. In the meanwhile, her mother and her younger sister/fourth respondent have obtained “No Objection”, for considering the younger sister/fourth respondent's



request for employment on compassionate grounds, only on the pretext of giving effect to the understanding that her younger sister/fourth respondent shall not claim any share in the death benefits and also on the three immovable properties of her father deceased Palanisamy. Hence, the petitioner sent a representation to the respondents 1 to 3 on 01.06.2022 requesting withdrawal of the “No Objection” and also requesting to consider the petitioner herein for appointment on compassionate grounds, but despite the lapse of more than six months, there is no response from the respondents 1 to 3. Hence, the petitioner has filed this present Writ Petition.

3. The learned counsel appearing for the respondents 1 to 3 submitted that the said representation given by the petitioner would be considered by the authorities concerned and appropriate orders would be passed on its own merits.

4. In view of the above submissions, it is made clear that both the daughters of the deceased Palanisamy are educated and both are married and settled and also the other terminal benefits of the deceased have been already disbursed to them, the third respondent/Transport



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Corporation shall hold an enquiry and consider the petitioner's representation strictly, based on the financial condition of the petitioner's family and pass appropriate orders on its own merits and in accordance with law as early as possible.

5. With the above directions, this writ petition is disposed of. No order as to costs.

30.03.2023

ssi

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation Case: Yes/No

To:

1. The Secretary to Government
Department of Transport,
Secretariat, Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
Coimbatore Division,
No.38, Mettupalayam Road,
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V.BHAVANI SUBBAROYAN,J.

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