



WEB COPY



W.P.No.21356 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21356 of 2023

R.Mohanraj

... Petitioner

Versus

1.The General Manager,
The Tamil Nadu State Transport Corporation,
Vellore.

2.R.Bavani

3.R.Nithya

4.R.Umadevi

5.R.Banupriya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to direct the 1st respondent to appoint the petitioner in any suitable post under compassionate ground by considering the petitioner's application dated 31-01-2013 and 15-03-2013.

For Petitioner : Mr.S.Karthikeyan

For R1 : Mr.R.Venkatesa Perumal

ORDER

This Writ Petition has been filed to direct the 1st respondent to appoint the petitioner in any suitable post under compassionate ground by considering the petitioner's applications, dated 31.01.2013 and 15.03.2013.



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2.The contention of the Writ Petitioner is that the petitioner's father while he was service with the 1st respondent Corporation, died on 10.01.2001. The petitioner's father had two wives. After the death of the petitioner's father, the first wife made an application, dated 31.10.2001 to the 1st respondent to appoint her on compassionate ground. At the relevant point of time, the petitioner was a minor and he attained majority in the year 2009 and completed his graduation in the academic year 2011. It is the contention that the other legal heirs of the petitioner's father have given no objection certificate to the petitioner to seek appointment on compassionate ground. The petitioner also called for an interview in the year 2017, however, he has not been appointed by the 1st respondent. Hence, he seeks direction of this Court.

3.At this stage, this Court is unable to comprehend the submissions of the learned counsel for the petitioner. The very object of the compassionate appointment is that the compassionate appointment is a concession granted by the Government to alleviate the family who are distress in view of the sudden demise of the earning member.



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4. On perusal of the records produced, it is seen that a suit has been filed by the petitioner in O.S.No.56 of 2022 before the learned Additional District Munsif, Vellore for declaration that he is entitled for seeking appointment on compassionate ground. The civil Court after elaborate trial, had dismissed the suit holding that the petitioner is not entitled for such relief. When the father of the petitioner died in the year 2001, any application seeking appointment on compassionate ground ought to have been made within a period of three years thereafter. Therefore, the petitioner, who attains majority in the year 2011, cannot seek appointment on compassionate ground that too in the year 2011. That is not the scheme of the Act. Having given an application in the year 2001, the mother of the petitioner has not utilized the same. Therefore, now the petitioner cannot step into the shoes of his mother to seek appointment.

5. In such view of the matter, there is no merits in this Writ Petition and the same is liable to be dismissed. Hence, this Writ Petition is dismissed. No costs.

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N.SATHISH KUMAR, J.
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Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

To

The General Manager,
Tamil Nadu State Transport Corporation,
Vellore.

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