



W.P.(MD).No.4864 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4864 of 2023

S.Palaniammal

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Region,
Madurai-16.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the second respondent in Parvai.Niruvagam/A2/3336/2022, dated 14.02.2023, quash the same and to direct the respondents to confirm the service of the petitioner's husband (Late) K.Sanjeevi Raj as Conductor on completion of 240 days of working for the period from December 2008 to November 2009 as per the Service Rules and in terms of 12(3) settlement, dated 30.09.1992 and consequently to consider the



W.P.(MD).No.4864 of 2023

claim of the petitioner for Compassionate Appointment due to Death of petitioner's husband on 11.12.2009 based on the 240 days of working details of the petitioner's husband furnished by respondent, dated 08.10.2022.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.S.Ramachandra Pradeep
Standing Counsel

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the second respondent in Parvai.Niruvagam/A2/3336/2022, dated 14.02.2023, quash the same and to direct the respondents to confirm the service of the petitioner's husband (Late) K.Sanjeevi Raj as Conductor on completion of 240 days of working for the period from December 2008 to November 2009 as per the Service Rules and in terms of 12(3) settlement, dated 30.09.1992 and consequently to consider the claim of the petitioner for Compassionate Appointment due to Death of petitioner's husband on 11.12.2009 based on the 240 days of working details of the petitioner's husband furnished by respondent, dated 08.10.2022.



W.P.(MD).No.4864 of 2023

WEB COPY

2. The petitioner's husband one K.Sanjeevi Raj was appointed as Conductor on 09.10.2008. While in service, he died on 11.12.2009. The petitioner's husband was survived by the petitioner, a minor daughter and a minor son. Immediately the petitioner made an application seeking appointment on compassionate ground and the said application was rejected on 11.08.2010 by the respondent Corporation for the reason that the petitioner was engaged as a daily wages worker and he was not drawing time scale of pay. The said order passed by the respondent Corporation, dated 11.08.2010 was not challenged by the petitioner. After a span of 13 years, a fresh application was made by the petitioner on 01.02.2023 seeking appointment on compassionate ground. The said application was also rejected vide order, dated 14.02.2023. Assailing the said rejection order, dated 14.02.2023, this writ petition came to be filed.

3. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

4. This Court is of the considered view that the petitioner having failed to challenge the order of rejection at the first instance, dated 11.08.2010 has no



W.P.(MD).No.4864 of 2023

locus standi to make a fresh application seeking compassionate appointment and hence, this Court is not inclined to interfere with the impugned order, dated 14.02.2023. Accordingly no case is made out.

5. In the result, this writ petition stands dismissed. There shall be no order as to costs.

23.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Managing Director,
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W.P.(MD).No.4864 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.4864 of 2023

23.08.2023