



W.P.(MD).No.13898 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13898 of 2022

J.Raja

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam) Limited,
Trichy Region,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take necessary action on the basis of the petitioner's representation, dated 22.12.2021 with regard to appoint the petitioner under compassionate grounds in any of the suitable post according to the petitioner's educational qualification within a time frame stipulated by this Court.



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For Petitioner : Mr.D.Anbarasu
For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to take necessary action on the basis of the petitioner's representation, dated 22.12.2021 with regard to appoint the petitioner under compassionate grounds in any of the suitable post according to the petitioner's educational qualification within a time frame stipulated by this Court.

2.The petitioner's father was working as a Driver from the year 1990 under the second respondent and while in service, on 03.04.2008 he passed away. He was survived by his wife, three sons and mother. The petitioner was 22 years old at the time of death of his father. On 19.09.2009, he made a detailed representation seeking the respondents to provide him with an appointment under compassionate ground. However, the same was not considered and hence, the Writ Petition came to be filed.



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3.Heard Mr.D.Anbarasu, learned counsel appearing for the petitioner and Mr.K.Jegadeesh Balan, learned counsel appearing for the respondents and perused the materials available on record.

4.The petitioner even before filing this Writ Petition has sought an information under the Right to Information Act, for which, he received a reply from the respondent authorities on 05.12.2015, wherein they have given an information that the petitioner's name has been registered in the seniority list of legal heirs and his seniority number is 168 and hence, his appointment will be considered based on his seniority subject to the educational qualification and as per the Rules. After passage of 8 years, till date, the petitioner was not provided with an employment and hence, on 22.12.2021, he made a representation lastly and the same was not considered.

5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and



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hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6.The learned Standing Counsel appearing for the respondents would submit that the petitioner's name has come down to 105 in the seniority list and as and when, vacancy occurs, he will be provided with an employment in terms of his seniority subject to his educational qualification.

7.However, when this Court raises a pertinent question to the learned standing counsel appearing for the respondents as to whether any percentage of vacancy is ear marked for compassionate appointment, he fairly conceded that no such categorization is available in the respondent Corporation and hence, the contention of the learned standing counsel for the respondents that the petitioner's appointment would be considered on the basis of his seniority his falls. Since the application seeking compassionate appointment has been promptly made within a period of three years from the date of the death of the petitioner's father in terms of G.O.Ms.18, Labour and Employment (Q1) Department, dated 23.01.2020, the petitioner is



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entitled to get appointment and the respondents are duly directed to consider his reminder dated 22.12.2021 along with the representation, dated 19.09.2009 and provide him with employment within a period of twelve weeks from the date of receipt of a copy of this order, in a suitable post in terms of his educational qualification.

8. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

31.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam) Limited,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
(Kumbakonam) Limited,
Trichy Region,
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L.VICTORIA GOWRI, J.

ps

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