



W.P.(MD).No.15674 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.15674 of 2022

Arunkumar

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu State Transport Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Managing Director,
TNSTC Kumbakonam Limited,
Kumbakonam,
Thanjavur District.

3.The General Manager,
TNSTC Kumbakonam Limited,
Administrative Section,
Karaikudi Zone,
Karaikudi,
Sivagangai District.

4.The Branch Manager,
TNSTC Kumbakonam Limited,
Administrative Section,
Karaikudi Zone,
Rameswaram Branch,
Ramanathapuram District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner on the basis of his representation, dated 16.09.2021.

For Petitioner : Mr.K.Arunraj

For R-1 : Mr.P.Thambidurai
Government Advocate

For R-2 to R-4 : Mr.K.Jegadeesh Balan

ORDER

The present writ petition is for a Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner on the basis of his representation, dated 16.09.2021.

2. The petitioner's father, namely, Marimuthan worked as Conductor in the third respondent Branch. During service, he died on 15.08.2008 and he was survived by his wife, his mother, the petitioner and the petitioner's brother, one Anandakumar. The petitioner's mother, namely, Chithra made an application on 16.03.2011 and 27.09.2014 before the fourth respondent, seeking compassionate appointment to her. The same was not considered. Subsequently



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on 16.03.2018, the petitioner made an application seeking compassionate appointment to him and that was also not considered. Thereafter on 16.09.2021, the petitioner made an elaborate representation to the second and fourth respondents, which was also kept in abeyance. Hence, this writ petition came to be filed.

3. Heard the learned Counsel for the petitioner, the learned Government Advocate for the first respondent and learned Counsel for the respondents 2 to 4 and carefully perused the materials available on record.

4. This is the case where the petitioner's mother made an application at the first instance seeking compassionate appointment to her. Thereafter, the petitioner has made an application seeking compassionate appointment. G.O(Ms)No.18 of the Labour and Employment (Q1) Department, dated 23.01.2020 madates that an alternate application seeking employment for another legal heir while the application seeking compassionate appointment made by one another legal heir was pending, is not permissible. Such an alternate application could be considered only in the event of the death of the legal heir, who made an application at the first instance. In this case, the



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petitioner's mother is alive and in view of the said factum, this Court is not inclined to entertain this writ petition and hence, this writ petition stands dismissed. There shall be no order as to costs.

11.07.2023

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

To

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L.VICTORIA GOWRI, J.

BTR

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