



W.P(MD)No.18067 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.18067 of 2023

P.Nivetha

Vs.

...Petitioner

1.The Managing Director,
Tamil Nadu Transport Corporation,
New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu Transport Corporation,
Thirumayam Road,
Thaneerpanthal,
Pudukkottai – 622 001.

3.The Branch Manager,
Tamil Nadu Transport Corporation,
Alangudi Branch,
Karambakudi Road,
Alangudi,
Pudukkottai District.

...Respondents

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



W.P(MD)No.18067 of 2023

appoint the petitioner in compassionate ground in any of the post suitable for her original application for compassionate appointment, dated 23.01.2023.

For Petitioner : Mr. B. Vinothkumar

For Respondents : Mr.K.Ramaiah
Standing counsel

ORDER

This Writ Petition has been filed for issuing direction to the respondents to appoint the petitioner in compassionate ground in any of the post suitable for her original application for compassionate appointment, dated 23.01.2023.

2. The petitioner's father viz., P.Periyannan was working in the respondent Corporation as Driver. During his service, he passed away on 28.04.2021. He was survived by his mother, wife, two daughters and one son. The petitioner herein is the daughter of the deceased. On 05.07.2022, the petitioner's mother made an application seeking compassionate appointment in the respondent Corporation on behalf of the petitioner and the same was acknowledged by the respondent Corporation. Since the same was not



W.P(MD)No.18067 of 2023

considered, the petitioner has submitted another representation, dated 23.01.2023 that was also not considered. Hence, she has filed the present Writ Petition.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, the respondents are directed to consider the representations of the petitioner, dated 23.01.2023 seeking compassionate appointment in suitable post for her



W.P(MD)No.18067 of 2023

education on the the basis of original application, and pass suitable orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs.

27.07.2023

Index : Yes / No
Internet : Yes/ No
trp



W.P(MD)No.18067 of 2023

To

1.The Managing Director,
Tamil Nadu Transport Corporation,
New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu Transport Corporation,
Thirumayam Road,
Thaneerpanthal,
Pudukkottai – 622 001.

3.The Branch Manager,
Tamil Nadu Transport Corporation,
Alangudi Branch,
Karambakudi Road,
Alangudi,
Pudukkottai District.



WEB COPY



W.P(MD)No.18067 of 2023

L.VICTORIA GOWRI, J.,

trp

W.P(MD).No.18067 of 2023

27.07.2023