



W.A.(MD) No.1429 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.1429 of 2023
and
C.M.P.(MD) No.11076 of 2023**

1.The Managing Director
Tamil Nadu State Transport Corporation
Madurai Region
Bye-Pass Road, Madurai

2.The General Manager
Tamil Nadu State Transport Corporation
Dindigul Region, Dindigul District

... Appellants

-vs-

C.P.Ragunath Prabhu

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 20.12.2021, passed in W.P.(MD) No.21306 of 2021, on the file of this Court.

For Appellants : Mr.J.Senthil Kumaraiah



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J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 20.12.2021, passed in W.P.(MD) No.21306 of 2021 filed by the respondent / writ petitioner.

2. The respondent / writ petitioner filed the writ petition in W.P. (MD) No.21306 of 2021 for issuance of a writ of mandamus directing the second appellant herein to consider his representation dated 06.11.2021 and provide employment to him on compassionate ground.

3. The learned Single Judge of this Court, after considering the merits of the case, disposed of the writ petition with a direction to the appellants to provide compassionate appointment to the respondent at least in the entry level post, within a period of eight months from the date of receipt of a copy of the order.

4. Though the appellants did not raise any objection as to the eligibility of the respondent to get appointment on compassionate ground, the grievance expressed before this Court is that since compassionate appointments are provided on the basis of seniority, the direction issued by



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the learned Single Judge would interfere with the seniority list and affect the rights of the third parties.

5. Learned counsel for the appellants contends that the order of the learned Single Judge insofar as it directs the appellants to give preference to the respondent should be modified.

6. Learned counsel for the respondent has no grievance, if this Court directs that compassionate appointment should be provided on the basis of seniority.

7. In the said circumstances, with a modification to the order of the learned Single Judge that it should be read that compassionate appointment should be provided on the basis of seniority, this writ appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

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