



W.A.(MD)No.1926 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.11.2023

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MRS.JUSTICE R.KALAIMATHI**

W.A.(MD)No.1926 of 2023
and C.M.P. (MD) No.14935 of 2023

1. The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy. ...Appellants/Respondents

-Vs.-

J.Raja ...Respondent/Petitioner

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to
set aside the order dated 31.07.2023 made in W.P.(MD)No.13898 of 2022
on the file of this Court.

For Appellants : Mr.A.Kannan

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

We are inclined to entertain the present intra-Court appeal
instituted by the Tamilnadu State Transport Corporation, since the



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direction issued to the appellants to provide compassionate appointment within a period of 12 weeks has been raised as an objection by the learned counsel appearing on behalf of the appellants.

2. Compassionate appointment is not an absolute right, but a concession. All appointments are to be made strictly in accordance with the recruitment rules in force and under the Constitutional Scheme. Compassionate appointments being violative of Articles 14 and 16 of the Constitution of India, the Scheme is to be implemented scrupulously following the terms and conditions stipulated therein. The eligibility criteria, penurious circumstances and other relevant factors are to be ascertained for the purpose of providing appointment on compassionate grounds. More so, compassionate appointments are to be granted based on the seniority of the persons who all are waiting to secure appointment on compassionate grounds. Issuing a direction to appoint a candidate on compassionate grounds within a time limit would infringe the rights of the other candidates who all are already waiting to secure appointment and the same would result in discrimination. The senior candidates would also approach the Court for such directions and in such circumstances, the authorities may not be in a position to provide compassionate



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appointments to all the candidates since limited number of posts are reserved for appointment on compassionate grounds.

3. In the present case, the respondent has submitted an application within the time limit and therefore, the application is to be considered by the competent authority in accordance with the scheme and by following the procedures as contemplated. Thus, the case of the respondent is directed to be considered under the terms and conditions stipulated and in the order of seniority and subject to availability of vacancies reserved for compassionate appointments.

4. With these modifications in the order impugned dated 31.07.2023, passed in W.P.(MD) No.13898 of 2022, the Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.J.] & [R.K.M.J.]
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NCC :Yes/No
Index :Yes/No
SJ



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