



W.P.No.1566 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.1566 of 2015

and

M.P.No.1 of 2015

B.Mohanraj

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore - 641 043.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore - 641 043.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to forthwith appoint the petitioner to the post of Assistant Engineer in the Tamil Nadu Transport Corporation, Coimbatore division.

For petitioner	:	Mr.P.Srinivas
For respondents	:	Mr.A.Sundaravadhnam



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ORDER

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This writ petition is filed directing the respondents to appoint the petitioner to the post of Assistant Engineer in the Tamil Nadu Transport Corporation, Coimbatore division.

2. The petitioner's father was working in the respondent Corporation for more than 23 years and died in harness. The petitioner has completed his graduation and has registered with employment exchange and applied for compassionate appointment in the year 2011, but there was no response. The petitioner sought information under Right to Information Act as to why he was not given compassionate appointment after the death of his father. The respondents has conceded the request of the petitioner and informed him that he is eligible to be appointed on compassionate grounds but on the basis of seniority.

3. The first respondent by way of letter dated 24.01.2014 has stated that the petitioner is in waiting list and that as per letter dated 24.06.2014 it is informed that there are 9 vacancies in the cadre of Assistant Engineer and 3 posts in the cadre of Junior Engineers. It is submitted by the learned counsel for the petitioner that though, the



petitioner is eligible to be appointed as Assistant Engineer on compassionate appointment, there is no response from the respondent Corporation. Aggrieved by the same, the petitioner has come forward with the present writ petition.

4. Heard both sides and perused the record.

5. The learned counsel for the respondent submitted that the petitioner has filed his application on time.

6. The petitioner has sought for appointment to the post of Assistant Engineer. Though, the petitioner is an engineering graduate, the respondent cannot be directed to give a specific job to the petitioner in a specific place. It all depends upon the availability of vacancies. Even though the petitioner has a higher qualification he cannot aspire to be posted in a post, suitable to his qualification *viz.*, Assistant Engineer. The posting will be given in a cadre basing on the rules prevailing in the respondent Corporation and subject to availability of vacancies. If the petitioner is offered with any post below the cadre of Assistant Engineer, it is for the petitioner either to accept or not to accept.



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7. In view of the above, this writ petition is disposed of directing the respondents to provide a suitable employment to the petitioner subject to the availability in vacancies by following the due process of law. However, at the time of providing employment the respondents are also required to keep in mind that the petitioner is an engineering graduate. Connected M.P. is closed. Costs made easy.

04.01.2024

vca

Index	:	Yes/No
Internet	:	Yes/No
Citation	:	Yes/No



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To:

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DR. D.NAGARJUN,J.

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