



WEB COPY



W.P.No.17878 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM :

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

W.P.No.17878 of 2015

and

M.P.No.1 of 2015

L.M.Babbitha

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation,
Rep. by its Managing Director,
Coimbatore, Ltd.,
Coimbatore.
2. The District Collector,
Nilgiris District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records ending with the letter of first respondent made in proceedings 355/E3E/Pa.Thu 1/TNSTC/Co/13 dated 15.03.2013 and to quash the same and consequently direct the first respondent to give appointment to the petitioner under compassionate grounds.

For petitioner	:	Mr.N.Ishtlaq Ahmed
For R1	:	Mr.A.Sundaravadhnam Standing Counsel
For R2	:	Mr.S.Ravi Kumar Special Government Pleader

ORDER



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This writ petition is filed to call for the records ending with the letter of first respondent made in proceedings 355/E3E/Pa.Thu 1/TNSTC/Co/13 dated 15.03.2013 and to quash the same and consequently, direct the first respondent to give appointment to the petitioner under compassionate ground.

2. The petitioner's father was working as a Driver in the respondent Department for 30 years and on 10.11.2009, on account of heavy rains, landslide took place and the house in which the petitioner's father and other family members, in toto seven members were staying, got submerged and they lost their lives.

3. The petitioner applied seeking compassionate appointment in the year 2010. In the year 2011, she was informed that as she got married, thereby, she was not eligible for compassionate appointment. The petitioner gave a representation dated 03.09.2010 to the second respondent and also to the first respondent on 19.03.2012. The petitioner has received a letter dated 18.08.2012 from the first respondent that they



have not received any application from the petitioner within a period of three years for compassionate appointment. The petitioner has also made a representation dated 26.09.2012 to the Chief Minister's Cell and the same was forwarded to the first respondent. On the other hand, the first respondent, by letter dated 15.03.2013, has stated that the petitioner has not applied for compassionate appointment within a period of three years and the same has got exhausted. Aggrieved by the same, the petitioner has come up with the present writ petition.

4. It is submitted by the learned counsel for the petitioner that as per letter dated 03.09.2010, the petitioner has made a request to the second respondent, the District Collector, for compassionate appointment and the same was rejected on the ground that no application was received within a period of three years. Further, the second respondent, by letter dated 15.05.2012, has stated that they have not received any application from the legal heirs of the deceased employee for compassionate appointment. The second respondent has addressed a letter dated 28.0.2012 to the first respondent Corporation to report as to the action taken on the application for compassionate appointment on account of the death of the petitioner's



father. Further, the General Manager of the respondent Corporation, addressed a letter dated 18.08.2012 to the petitioner that the officers of the respondent Corporation have not received any application seeking appointment and also informed that such applications should be received within a specific time. Further, the respondent Corporation by letter dated 15.03.2013, has stated in the same lines, as mentioned above.

5. The learned Standing Counsel representing the first respondent Corporation submitted that as per rules, from the date of death of the petitioner's father, the application for compassionate appointment should have been filed within three years and the same is mentioned in G.O.Ms.No.120, Labour and Employment Department dated 26.06.1995 filed by the first respondent. He has also produced a copy of the letter from Secretary to the Government to the State Transport Undertaking wherein it is stated that:

"concurrence of the Board should be obtained in all cases and, where relaxation of any kind including employment exchange is involved, orders of the Government should also be obtained".

6. On hearing both sides, it is clear that the petitioner's father and



other family members expired in a disaster and the petitioner has made an application to the second respondent requesting for compassionate appointment on 03.09.2010 and the second respondent has addressed a letter dated 28.07.2012 to the first respondent to report as to the action that was taken by the respondent Corporation in respect of the application filed by the petitioner. It is true that the petitioner could not file a proper application within three years from the date of death of the petitioner's father before the first respondent. However, the petitioner had made an application before the second respondent within three years from the date of death of the petitioner's father. Therefore, the contention of the first respondent Corporation that there is a delay in filing of the application by the petitioner cannot be accepted. Further, as per the contention of the petitioner, she has given representation to the first respondent on 19.03.2012, within three years.

7. In view of the above, this writ petition is disposed of directing the petitioner to file a fresh application before the proper forum with all the relevant documents within a period of six weeks from the date of receipt of a copy of this order and on receipt of such application the first



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respondent Corporation is directed to consider the same keeping in view of the fact that the petitioner has filed application for compassionate appointment within three years to the second respondent but the first respondent Collector who has inturn allegedly forwarded to the first respondent and process the same as per the procedure prevailing and provide employment in case the petitioner is eligible. Connected M.P. is closed. Costs made easy

04.01.2024

vca

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

To:

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Tamil Nadu State Transport Corporation,
Coimbatore, Ltd.,
Coimbatore.

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2. The District Collector,
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