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W.P.No.4190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4190 of 2024

Kumaresan

.... Petitioner

Vs

1. The Secretary to Government,
Transport Department,
Secretariat, Chennai – 9.

2. The General Manager,
Tamil Nadu State Transport Corporation (Salem),
No.12, Ramakrishna Salai,
Salem – 636 107.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent in his Ka.No.0101/E4/PaPe/TNSTC/Salem/2022 dated 28.07.2022 and quash the same and consequently direct the respondents to provide any job to the petitioner on the compassionate ground for the death of the petitioner's father A.Palanisamy within the specific period of time fixed by this Court.

For Petitioner	: Mr.T.Ganesan
For R1	: Mr.K.Tamilvendan Government Advocate
For R2	: Mr.K.Raja Standing Counsel



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ORDER

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This Writ Petition has been filed challenging the order dated 28.07.2022 passed by the second respondent, thereby rejected the claim of the petitioner seeking appointment on compassionate ground.

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

3. The petitioner's father, viz., Palanisamy, worked as an Assistant in the office of the second respondent. While he was in service, he died on 07.11.2013. He had two wives. The petitioner is the son of the second wife. The first wife and his son filed a suit in O.S.no.210 of 2015 on the file of the District Munsif Court, Omalur and the same was settled before the Lok Adalat on compromise. Accordingly, the first wife is entitled to the retirement benefits of the deceased husband and insofar as the compassionate appointment, the petitioner is entitled for the same. Thereafter, the petitioner submitted an application seeking compassionate appointment.



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4. Admittedly, the petitioner submitted an application seeking compassionate appointment only on 05.04.2022, that too after a period of nine years from the date of demise of his father. As per the Government order, the petitioner ought to have made an application seeking compassionate appointment within a period of three years from the date of demise of his father. Therefore, the second respondent rightly rejected the claim of the petitioner and this Court finds no infirmity or illegality in the order passed by the second respondent.

5. Accordingly, this Writ Petition stands dismissed. No costs.

21.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J,

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To

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2. The General Manager,
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