



W.P.No.5910 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5910 of 2020
and
W.M.P.No.6925 of 2020

R.P.Anand

...Petitioner

-Vs-

The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai – 600 002.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records of the respondent in கடித எண்.டிப்2036/மவ2/அவியோக/2019 நாள் 18.05.2019 and in கடித எண்.டிப்2036/மவ2/அவியோக/2019 நாள் 13.12.2019 and consequently direct the respondent to register the petitioner's name in the register maintained for compassionate appointment by considering the representation of the petitioner dated 07.07.2014 and 15.11.2017 and pass such further orders.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.S.Sivasubramani

ORDER



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This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in கடித எண்.டிபி2036/மவ2/அவியோக/2019 நாள் 18.05.2019 and in கடித எண்.டிபி2036/மவ2/அவியோக/2019 நாள் 13.12.2019 and consequently direct the respondent to register the petitioner's name in the register maintained for compassionate appointment by considering the representation of the petitioner dated 07.07.2014 and 15.11.2017.

2. The case of the petitioner is that the petitioner's father, P.Rajalochanan Thampi was appointed as Conductor on 02.08.1990 in the respondent Corporation and the staff number allotted to him was 7424. He met with an accident with lorry while on duty at Madurai - Tiruchy NH45 B Road, Thuvarankurichi and expired on the spot on 16.08.2013. The terminal benefits payable to the petitioner's mother was settled by the respondent Corporation during 2016 only. The petitioner and his mother, Padmaja are the legal heirs of the petitioner's deceased father. The petitioner made representations on 07.07.2014 and 15.11.2017 for employment on compassionate grounds to the respondent Corporation suppressing the fact that the respondent gave a reply vide his letter dated 18.05.2019 and



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13.12.2019 that the petitioner has to apply for the job within 3 years of the death of the employee and hence rejected the petitioner's application for employment on compassionate grounds. Since the petitioner's representation dated 07.07.2014 was not considered, he was unable to look after his family and his ailing mother as well as his father's mother. Hence the writ petition is filed.

3. Learned counsel appearing for the petitioner would submit that the petitioner's father died in an accident while on duty on 16.08.2013. The petitioner made representation on 07.07.2014 for employment on compassionate grounds to the respondent Corporation within three years from the death of the deceased employee.

4. Learned counsel further submitted that the representation / application has been given only in person, only the seal is affixed in the representation and there is no other acknowledgment given by the respondent Corporation. The petitioner gave another representation on 15.11.2017, referring to an earlier representation dated 07.07.2014 for which also the seal of the Office is only affixed, but there is no other acknowledgment that he submitted before the respondent Corporation.



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5. Learned counsel for the respondent Corporation would submit that there are no such representations dated 07.07.2014 and 15.11.2017 received by the respondent Corporation as submitted by the petitioner. Learned counsel pointed out that at the time of death of the employee, according to the legal heirship certificate issued by the Deputy Tahsildar, Vilavancode, Kanyakumari District, the age of the petitioner was only 14 years.

6. Heard both sides and perused the materials available on record.

7. In the case on hand, the petitioner's father died in an accident while on duty on 16.08.2013. The applications / representations which the petitioner claims to have submitted on 07.07.2014 and 15.11.2017 and the same is also filed in the typed set of papers in that there is only the seal of the office and nothing else and it cannot be considered as an acknowledgment given by the respondent office.

In the result, the **writ petition stands dismissed with the above**



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observations. No costs. Consequently, connected miscellaneous petition is closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai – 600 002.

J.SATHYA NARAYANA PRASAD, J.

cda



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