



W.P.No.31622 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.31622 of 2012

D.Jayaraj

... Petitioner

Vs.

The Metropolitan Transport Corporation,
(Chennai) Limited,
Represented by its General Manager,
Pallavan House,
No. 390, Anna Salai,
Chennai – 600 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records of the respondent, particularly the Respondent's impugned order dated 05.03.2011, vide Ref.No.602(PaPee/Pori)3/MTC/2011 and quash the same and consequentially direct the respondent to provide an employment under the respondent Corporation at least as an attender.

For Petitioner : Mr.R. Thanjan

For Respondent : Mr. C.Gauthamaraj
Standing Counsel



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ORDER

This writ petition is filed seeking for Certiorarified Mandamus to quash the impugned order in Ref.No.602(PaPee/Pori)3/MTC/2011, dated 05.03.2011 and consequentially direct the respondent to provide an employment under the Respondent-Corporation at least as an attender.

2.The case of the petitioner is as follows:-

2.1 The petitioner's father was an employee of the Respondent Transport Corporation as a driver under Token No. T 14318 and employed for nearly 21 years of service and died on 01.04.2003 due to heart attack, while he was in service.

2.2 The petitioner approached the Respondent Transport Corporation for an employment even atleast for the post of attender on mercy grounds and also on compassionate grounds on account of the death of his father who was employed as a driver. The request was made on several occasions, particularly through the representations dated 25.02.2011, 16.11.2011 and 12.10.2011, but no response from the respondents. However after receipt of the petitioner's first



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representation dated 25.02.2011, the respondent sent a evasive reply by denying the petitioner's claim for employment on compassionate ground and also on the ground of mercy atleast as an attender, since the educational qualification of the petitioner is less than VIII standard.

3. The learned counsel appearing for the petitioner submits that the father of the petitioner died in the year 2003 whereas the application submitted by the petitioner only in the year 2011 for appointment on Compassionate grounds and thereby the respondent denied the employment of the petitioner as per letter dated 05.03.2011 vide reference No. 602/PaPee(Pori)3/MTC/2011 and on receipt of this letter, the petitioner come forward with this writ petition.

4. The respondent has filed counter affidavit on February 2024 in which it is stated as per the G.O.Ms. No. 120 dated 26.06.1995 and G.O.Ms.No.18 dated 23.01.2020, the application regarding Compassionate appointment should be made within a period of three years from the date of death of the deceased and in the present case, the petitioner's father was working as a Driver in the Corporation and died on 01.04.2003 and without



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taking any steps after the period of eight years, belatedly the petitioner has given a representation to the respondent seeking compassionate appointment dated 25.02.2011.

5. In view of the above, the respondent was constrained to reject the application on the ground of delay based on the above mentioned Government Orders & regulations of the Transport Corporation undertakings and neither the above mentioned GO's nor the guidelines being followed by the Tamil Nadu State Transport Corporation undertaking permits to submit the application after a period of three years from date of death of the employee.

6. The learned standing counsel appearing for the corporation would further submit that compassionate appointment is a special scheme which was introduced to mitigate the penurious circumstance arising on account of sudden death of the Government employees thus the appointment be granted on compassionate ground should be made within the period of three years and it is not as if the compassionate appointment can be claimed as a matter of right to provide one appointment to one family of the deceased employee such a scheme can never be accepted. In fact there cannot be reservation of a vacancy till such



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time the petitioner takes appropriate steps regarding filing of an application on compassionate ground appointment is to see the family get immediate relief thus there should not be any delay in appointment.

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

8. In the facts and circumstances of this case, the father of the petitioner worked as a driver in the Respondent Transport Corporation and died on 01.04.2003 due to heart attack while he was in service. The petitioner has given his representation for appointment on compassionate ground only in the year 2011 which is after a delay of eight years and as per the G.O. mentioned supra, the application regarding compassionate ground appointment has to be submitted within a period of three years from the date of death of the employee whereas in this case the application for compassionate appointment should have been filed on or before 01.04.2006, but has been filed only after a lapse of eight years i.e. only in the year 2011.

9. In view of the above factual matrix of this case, this Court is not



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inclined to interfere with the orders passed by the respondent Transport Corporation and the same is hereby confirmed.

10. In the result, this writ petition stands dismissed. No costs.

21.02.2024

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Index:Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

To

The Metropolitan Transport Corporation,
(Chennai) Limited,
Represented by its General Manager,
Pallavan House,
No. 390, Anna Salai,
Chennai – 600 002.



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J. SATHYA NARAYANA PRASAD, J.

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