



WEB COPY



W.P.No.6467 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

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

W.P.No.6467 of 2022
and W.M.P.No.6562 of 2022

D.Jothi

...Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram District.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records made in Letter No.455/pa.6/Tha.Ka.A.Po.Ka/(Vi.Mu) Kanchi, dated 20.06.2018, on the file of the Managing Director, Tamil Nadu State Transport Corporation, Villupuram District, the respondent herein and quash the same as illegal and direct the respondent to reconsider the representation of the petitioner dated 31.05.2018 on the file of the respondent herein by providing compassionate appointment to the petitioner or her son Kiran, son of Chittibabu, to secure the ends of justice.



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For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Venkatesa Perusam
Standing Counsel.

ORDER

The writ petition has been filed challenging the order passed by the first respondent dated 20.06.2018, thereby rejecting the request made by the petitioner for compassionate appointment.

2. The petitioner's husband had joined as Driver in the respondents corporation. He died due to natural causes leaving behind the petitioner and her son as his legal heirs. While he was in service, he was dismissed from service and the order of dismissal was sent for approval under Section 33(2)(b) of the Industrial Dispute Act and the same was rejected. Therefore, the petitioner submitted application for appointment on compassionate ground. However, it was rejected on the ground that the petitioner's husband, while he was in service, was removed from service and as such the petitioner is not entitled for any appointment on compassionate ground.



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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of records revealed that the husband of the petitioner was removed from service on 25.08.2014, due to unauthorized absent for duty continuously for long period without any prior intimation. In order to get approval for the order of removal, the Management filed approval petition in A.P.No.185 of 2014 and the same was rejected by an order dated 28.02.2018. Aggrieved by the same, the Management filed writ petition before this Court in W.P.No.20915 of 2019. This Court allowed the said writ petition and set aside the order of rejection passed by the authority and remitted back to the authority for deciding the matter afresh. Once again, the order of removal was not approved and rejected by an order dated 10.03.2021 by the authority. Aggrieved by the same, the Management once again filed writ petition in W.P.No.23367 of 2022 and it is pending before this Court.

5. In the meanwhile, the request made by the petitioner for appointment on compassionate ground was rejected by the first



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respondent. As stated supra, the order of removal from service of the petitioner's husband is not yet approved by the authority and it is subject to the result of the writ petition pending before this Court. Therefore, if the petitioner succeeds in the writ petition pending before this Court in W.P.No.23367 of 2022, she is at liberty to submit fresh application seeking appointment on compassionate ground. On receipt of the such application, the respondents are directed to consider the same and pass suitable orders in accordance with law.

6. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is also closed. There shall be no orders as to costs.

03.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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