



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

WEB COPY

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13510 of 2024

T.Sivanesan

... Petitioner

Vs.

1.The Additional Chief Secretary,
Transport Department (C.S),
Chief Secretariate,
St.George Fort,
Chennai-600 009.

2.The Managing Director,
Tamilnadu Government Transport Corporation Limited,
No.12, Ramakrishna Salai,
Salem – 636 007.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Third Respondent to grant appointment to Petitioner under Compassionate grounds, duly refixing his seniority position in accordance with the Clause No.iv of procedure for processing applications that “the date of death of Government Servant should be taken for fixing Seniority for making appointments under compassionate grounds.” under G.O.(Ms).No:18 dated 23.10.2020.



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For Petitioner : Mr.N.Pichai Pillai

For R1 : Mr.P.Ganesan
Government Advocate

For R2 : Mr.K.Raja
Standing Counsel (TNSTC)

ORDER

This Writ Petition is filed for a direction to the respondents to grant appointment to the petitioner on compassionate ground, duly refixing his seniority position in accordance with Clause No.IV of the procedure for processing application that the date of death of Government Servant should be taken for fixing the seniority for making appointments.

2. The case of the petitioner is that the petitioner's father was working as a Driver in the 2nd respondent/Corporation and whileso, he died of cardiac arrest while in service on 04.01.2008. Immediately thereof, an application for compassionate appointment was submitted through the Chief Minister's Special Cell on 26.03.2008 itself. A reply was received on 24.02.2009 that the



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petitioner's candidature for appointment on compassionate basis has been registered and placed in the seniority list. Thereafter, only in the year 2016, the petitioner was directed to attend the office of the Managing Director with all the necessary certificates. Once again, in the year 2018, a communication was sent to the petitioner that his representation will be considered as and when his turn comes. Thereafter, the respondents have not considered the representation of the petitioner till date. Therefore, the petitioner has come up with the present writ petition.

3. Mr.N.Pichai Pillai, learned counsel appearing on behalf of petitioner would submit that the application of the petitioner has to be considered with reference to the date of death of his father and not to the date of his attaining majority.

4. I have considered the submissions made by the learned counsel appearing for the petitioner and learned Government Advocate appearing for the 1st respondent/Corporation.

5. It can be seen that the petitioner was only 10 years old at the time of death of his father. Be that as it may, till date, since no decision has been



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taken by the respondents/Corporation. This Writ Petition is disposed of on the

following terms:-

(i) The respondents/Corporation is directed to pass final orders in the matter of appointment of the petitioner on compassionate basis, within a period of eight weeks from the date of receipt of copy of this order;

(ii) There shall be no order as to costs.

04.06.2024

Neutral Citation : Yes
dm



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To

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D.BHARATHA CHAKRAVARTHY. J.,

dm

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