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W.P.No.15742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.15742 of 2024

and

W.M.P.No.17149 of 2024

John Williams

... Petitioner

Vs.

The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, Koyembedu,
Chennai – 600 107.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order of respondent in Pa.Tho.Na(3)/406/2022 dated 20.04.2023 and to quash the same and consequently directing the respondents to appoint the petitioner as Driver from 05.08.2013 from the date joining duty as Cleaner and grant all consequential benefits.

For Petitioner : Mr.V.Anandhamurthyen

For Respondent : Mr.R.Venkatesa Perumal
Standing Counsel



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ORDER

The writ petition is filed challenging the order dated 20.04.2023. By the said order, the petitioner's representation to give him appointment to the post of Driver with effect from 05.08.2013, is rejected by the respondent.

2. The case of the petitioner is that the petitioner's father was working in the respondent organization and he died while he is in service. However, his case for compassionate appointment was considered very belatedly. Even though he was working in temporary and casual basis, earlier he was given regular appointment on compassionate basis on 05.08.2013 only as a Cleaner. Even though he had a Driving license and all other requisites for working as a post of Driver as of the year 2013. Thereafter, only with effect from 23.11.2016, he was promoted as Driver. The further case of the petitioner is that he ought to have been appointed as a Driver in the year 2013.

3. When it comes to the matter of appointment by way of compassionate basis, it is true that the post of Cleaner as well as Driver can be filled up by way of compassionate basis. But the respondent had chosen



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to appoint the petitioner as Cleaner and thereafter promoted him as a Driver, no exception can be taken to the said action, in as much as, the petitioner has no vested right to claim a particular post by way of compassionate appointment. As such there is no finding merit in the claim of the petitioner.

4. This apart, the petitioner had also accepted the said employment at the relevant point of time and he was also thereafter promoted to the post of Driver as early as in the year 2016 and is working in the said capacity for the past eight years.

5. Therefore, for all the above reasons, there is no merits in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

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Neutral Citation :No
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D.BHARATHA CHAKRAVARTHY, J.

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