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Writ Petition No.34373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.34373 of 2023

P.Logambal

W/o.Late Palanivel

... Petitioner

Vs.

1.The Government of Tamilnadu
represented by
Secretary Transport Department,
Fort St.George, Chennai.

2.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai - 600 002.

3.The Senior Deputy Manager,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents in connection with the impugned order passed by him in reference number 572/Dep.Eng/MTC/2019 dated 13.09.2023 and to quash the same and to direct the second respondent to appoint the petitioner's son Om Prakash S/o.Late K.Palanivel on compassionate ground.

For Petitioner : Mr.S.Shankar

For Respondents : Mr.P.Balathandayutham
Special Government Pleader [R1]
Mr.A.Vinothraj
Standing Counsel [R2 & R3]



ORDER

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This writ petition has been filed challenging the impugned proceedings of the second respondent dated 13.09.2023 rejecting the application submitted by the petitioner seeking for compassionate appointment for her son.

2. The case of the petitioner is that her husband was working in the transport corporation as a driver. On 17.02.2020, he died in harness. The petitioner's husband died leaving behind the petitioner and her son as his legal heirs.

3. The further case of the petitioner is that the petitioner was intending to submit an application for compassionate appointment, however, during March'2020, there was a total lock down due to the pandemic. Hence, the petitioner was able to meet the concerned official of the second respondent corporation only during December'2020. The petitioner claims that a representation was, in fact, given to the second respondent during December'2020, however, no acknowledgement was given for such representation. Once again, the petitioner went to the second respondent office and she was informed that the application is



being scrutinized. Since the petitioner did not get any communication from the second respondent, she once again went to the office of the second respondent. They asked the petitioner to submit a fresh representation. Accordingly, the petitioner submitted a fresh representation/application on 09.09.2023. The grievance of the petitioner is that the second respondent, through proceedings dated 13.09.2023, has rejected the application on the ground that it has been submitted beyond the period of three years. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The respondents 2 and 3 have filed counter affidavit. They have taken a stand that the application for compassionate appointment has to be submitted within a period of three years as per the existing rules. The petitioner's husband died on 17.02.2020, whereas, the application was submitted only on 09.09.2023. In view of the same, the application was rejected. Accordingly, the respondents have sought for dismissal of this writ petition.

5. Heard Mr.S.Shankar, learned counsel for petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing



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for first respondent and Mr.A.Vinothraj, learned Standing Counsel appearing for respondents 2 and 3.

6. The short issue that arises for consideration in the present writ petition is as to whether the rejection of the application submitted by the petitioner seeking for compassionate appointment for her son, is liable to be interfered by this Court.

7. There is no dispute with regard to the fact that the petitioner's husband was working as a driver in the second respondent transport corporation. He died on 17.02.2020 leaving behind the petitioner and her son. The rules contemplated that an application must be submitted seeking compassionate appointment within a period of three years. It must be kept in mind that starting from March 2020 and almost till June 2021, there was sporadic complete lock down due to the pandemic. Therefore, it is too far-fetched to expect some one to submit an application during this period since the very existence was challenged by the deadly corona virus. This period has to be necessarily excluded while calculating the three year period. This is an extraordinary situation faced and therefore, the same has to be taken into consideration while dealing



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Corporation ought to have dealt with the application on merits and should not have rejected the application on the ground of delay.

10. In the light of the above discussion, the proceedings of the second respondent dated 13.09.2023 is hereby quashed. The second respondent is directed to deal with the application submitted by the petitioner seeking compassionate appointment for her son on its own merits and a final decision shall be taken by the second respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

In the result, this writ petition is allowed with the above direction. No costs.

23.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm



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To

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Fort St.George, Chennai.
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N.ANAND VENKATESH, J

gm

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