



W.P.(MD).No.3989 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3989 of 2024

M.Sathish Kumar

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
TNSTC Head Office, No. 27, Railway Station New Road,
Kumbakonam.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's application, seeking compassionate appointment to any post preferably an office post in the respondent corporation, by considering the petitioner's educational qualification, within the stipulated time fixed by this Court.

For Petitioner : Mr.P.Vijaynivas

For Respondent : Mr.K.Ramaiah
Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to the respondent to consider the petitioner's application, seeking compassionate appointment to any post preferably an office post in the respondent corporation, by considering the petitioner's educational qualification, within the stipulated time fixed by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.The petitioner's father was joined as Driver in the respondent Corporation in the year 1996. On 14.07.2008, while he was in duty he met with an accident and he died on the spot. The petitioner has completed Mechanical Engineering. Therefore, he made an application on 29.10.2009



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seeking appointment on compassionate grounds. However, the same was not acted upon for more than 15 years. Therefore, he gave a detailed representation on 28.08.2023 to the respondent seeking appointment on compassionate ground. Since the same was not considered, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondent to consider the same within a stipulated time.

6.This Court is of the considered view that whenever application seeking appointment on compassionate grounds is made by the legal heirs of the deceased employee, the respondent should act with utmost urgency and pass appropriate orders. Since the petitioner has filed application within a period of three years from the date of his father's death, he is entitled to get appointment



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on compassionate grounds as per G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020. However, in this case the petitioner is waiting endlessly for more than a period 13 years. Therefore, this Court direct the respondent to appoint the petitioner on compassionate ground in a suitable post within a period of four (4) weeks, from the date of receipt of copy of this order.

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

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