



W.P.(MD).No.4496 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.4496 of 2024

V.Nirmal Joice

...Petitioner

Vs

1.The State Express Transport Corporation
(Tamilnadu) Limited,
Represented by its Managing Director,
Pallavan salai, Chennai – 600 002.

2.The General Manager,
(Operation and Administration),
State Express Transport Corporation (Tamil Nadu) Limited,
Pallavan Salai, Chennai – 600 002.

3.The Senior Deputy Manager,
State Express Transport Corporation
(Tamil Nadu) Limited, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Letter No. 003605 / HR 2 / SETC TN / 2022 dated 04.08.2022, quash the same, insofar as denying appointment to the petitioner in the first respondent corporation on compassionate grounds as illegal, arbitrary and consequently to direct the respondents to appoint



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her forthwith in the first respondent corporation on compassionate grounds in any suitable post depending upon her educational qualification.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Senthil Kumar
Standing Counsel

ORDER

Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.K.Senthil Kumar, learned Standing Counsel for the respondents.

2. This Writ Petition has been filed seeking to quash the order of the third respondent dated 04.08.2022, insofar as denying appointment to the petitioner in the first respondent corporation on compassionate grounds as illegal and consequently to direct the respondents to appoint her forthwith in the first respondent corporation on compassionate grounds in any suitable post depending upon her educational qualification.

3. Mr.A.Rahul, learned counsel for the petitioner submitted that the petitioner is the wife of the deceased Aswalt, who was working as Driver cum Conductor having I.D.No.D.39957 and he died on



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26.10.2021. The petitioner has given an application on 14.02.2022 seeking compassionate appointment for her after the death of her husband, but the same was rejected by the third respondent stating that the petitioner's husband was not a permanent employee and he was a daily wager. Therefore, he would not come under the compassionate scheme. However, the learned counsel for the petitioner submitted that the petitioner's husband cannot be considered as daily wages employee in view of his length of service.

4. Attention was drawn to the 12(3) settlement dated 25.09.1986, wherein it is agreed that the confirmation of temporary employees would have been done after the satisfactory completion of 240 days and the actual work for a continuous period of one year.

5. The learned counsel for the petitioner furnished details regarding the number of days during which the petitioner's husband was working for each year. Even though the petitioner's husband did not complete 340 days of service during the year 2015, he had completed 244 days in the year 2016, even as per the information furnished by the respondents Corporation. In the year 2016, the petitioner's husband ought not to have considered as a temporary employee and hence it



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cannot be strictly stated as the petitioner's husband will not come under the compassionate appointment scheme.

6. In view of the 12(3) settlement which was in force at the time of the petitioner's husband was working, I feel the respondents shall reconsider the application of the petitioner for seeking compassionate appointment without ascertaining that the petitioner's husband will not fall under the compassionate appointment scheme.

7. With the above observations, this Writ Petition is **disposed of** with a direction to the respondents to consider the application of the petitioner for seeking for compassionate appointment in a comprehensive manner without sticking to the fact that the petitioner's husband did not fall under the compassionate scheme and pass orders on merits. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

21.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

WEB COPY

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R.N.MANJULA, J.

Nsr

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