



WP(MD) No.16512 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16512 of 2024

and

WMP(MD)No.14296 of 2024

Ansi Libi

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Kanyakumari District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Raani Thottam-II Branch, Nagercoil Region,
Kanyakumari District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Madnamus, calling for the records on the file of the 1st respondent pertaining to its proceedings in Letter No.384/A10/TNSTC(thilli)/Nagar/2017 dated



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30.04.2024 and to quash the same and consequently directing the respondents to provide the petitioner with an employment on compassionate ground in the 1st respondent Transport Corporation by considering the petitioner's representation dated 09.12.2023 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Aayiram K Selvakumar

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

This writ petition has been filed by the petitioners for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the 1st respondent in Letter No.384/A10/TNSTC(thilli)/Nagar/2017 dated 30.04.2024 and consequently directing the respondents to provide the petitioner with an employment on compassionate ground in the 1st respondent Transport Corporation by considering the petitioner's representation dated 09.12.2023 within a specific time.

2. Heard Mr.Aayiram K Selvakumar, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned Standing Counsel



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appearing for the respondents.

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3. The petitioner who has sent an application for seeking compassionate appointment has been given with the impugned order dated 30.04.2024 through which the application of the petitioner has been rejected citing the reason that the petitioner has not submitted the application within three years from the date of death of the employee. The petitioner's father Kanagaraj who was working as a Conductor in the respondent Corporation died on 17.02.2014. According to the respondents the petitioner had submitted the application on 08.12.2023 ie., after 9 years of the death of the employee. Hence, the same has been rejected. However, the petitioner produced a copy of the application along with seal of certificate of posting to show that the petitioner's mother had submitted the application on 11.06.2014 within the time.

4. The seal would show the date as 11.06.2014. Whatever communication the petitioner has made with the respondents in the year 2023 can only be in continuation of the earlier representation sent by her mother. In fact in the subsequent representation also she has stated about



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the earlier application. The petitioner has further stated that she had submitted all the papers on 22.09.2016 by appearing in person at the office of the respondents.

5. Since the petitioner has got materials to substantiate that she had given the application well within three years, the respondents ought to have considered the petitioner's application in a comprehensive manner without rejecting the same.

6. In view of the same, this Writ Petition is **allowed** and the impugned order dated 30.04.2024 is set aside. The first respondent is directed to consider the application of the petitioner afresh and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
PJL



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R.N.MANJULA, J.

PJL

W.P.(MD)No.16512 of 2024
and WMP(MD)Nos.14311,
14312, 14313 & 14315 of 2024

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