



W.P.(MD)No.16749 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16749 of 2024

A.Yakkoppu

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumabakonam) Ltd.,
Pudukottai Region, Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the action of the respondents in not considering the petitioner's claim for appointment on compassionate grounds within a time frame and non consideration of his case for several years as illegal, unreasonable, irrational, unjust and arbitrary and consequently to direct the respondents to appoint him forthwith in the first respondent corporation on compassionate grounds in the post of driver or in any suitable post depending upon his qualifications within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Ramaiah
Standing Counsel



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ORDER

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

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner's father was employed as a Driver in the respondent corporation and he died in harness in the year 2004. The petitioner applied seeking appointment on compassionate ground in the year 2005. By considering the same, the name of the petitioner was included in the seniority list and he was informed that appointment will be given to the petitioner as and when the vacancy arose in the first respondent corporation. However, the petitioner has not been issued with any appointment till today. He has also submitted a representation dated 10.07.2024 in this regard. However, the same has also not been considered so far. Hence, the petitioner has filed this writ petition.

4.It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders



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in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 10.07.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

31.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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<https://www.mhc.tn.gov.in/judis>



W.P.(MD)No.16749 of 2021

To

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- 1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumabakonam) Ltd.,
Pudukottai Region, Pudukottai.



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R.N.MANJULA, J.

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