



WP(MD) No.16491 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.16491 of 2024

T.Muniandi

.. Petitioner

Vs.

1.The Tamilnadu State Transport Corporation (Madurai) Ltd.,
Rep by its Managing Director,
Madurai-16.

2.The General Manager,
The Tamilnadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Madurai-16.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a 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 1st respondent Corporation



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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.S.Gladson Michael Rajadurai
Standing Counsel

ORDER

Heard Mr.A.Rahul , learned counsel appearing for the petitioner and Mr.S.Gladson Michael Rajadurai, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this writ petition for issuance of a Writ of Declaration, to declare the action of the respondents in not considering the petitioner's claim for appointment on compassionate grounds as illegal and consequently to direct the respondents to appoint him forthwith in the 1st respondent Corporation on compassionate grounds in the post of driver or in any suitable post depending upon his qualifications within the specific time.



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3. The petitioner's father who was working as a Sweeper in the respondent Corporation died on 04.10.2013 during harness. Hence, the petitioner has submitted an application on 01.10.2016 to the respondents for compassionate appointment. However, his application was kept pending without any decision thereon. Hence, the petitioner is before this Court with this writ petition.

4. The learned counsel for the petitioner submitted that the respondent Corporation included the petitioner's name in the seniority list in Sl.No.178. Though seven years lapsed from the date of submission of application, the respondents have not considered the petitioner's application. He further submitted that he came to know that one Manivannan, who was a Driver of Nagapattinam Region of TNSCTC passed away on 20.10.2017 while in harness and his son got it compassionate appointment on 25.01.2019, ie., two years from the date of death of the Government employee. But the petitioner's application has not been considered so far.



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5. However, Mr.S.Gladson Michael Rajadurai, learned Standing Counsel for the respondents submitted that the above appointment was made by the Nagapattinam Region and the petitioner comes under Madurai Region and there is no vacancy in Madurai Region. Hence, the petitioner cannot compare with Nagapattinam Region.

6. Even if there cannot be such comparison, the difference of delay is so alarming between two years and ten years from the date of death of the Government employee. Since the petitioner's representation is kept pending without any consideration in practical terms, the respondents are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is **disposed of**. No Costs.

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Index : Yes / No
NCC : Yes / No
PJJ



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R.N.MANJULA, J.

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