



WP(MD). No.20116 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/06/2024

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The Hon`ble Ms.Justice R.N.MANJULA

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Sellamani J,

... Petitioner

v.

The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Limited, Bye-Pass Road,
Madurai..

... 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 appoint the petitioner in a suitable post on compassionate ground within a period that may be stipulated by this Court.

For Petitioner : Mr.G.M. Xavier,

For Respondents : Mr.S.Siva Balaji

ORDER

The writ petition has been filed for a direction to the respondent to appoint the petitioner in a suitable post on compassionate ground within a period that may be stipulated by this Court.



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2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

3. The petitioner's husband, who was working in the respondent Corporation, died in harness on 17.06.2021. The petitioner, being the legal heir of the deceased husband, has made an application to the respondent on 01.03.2022 for appointment on compassionate ground. Since the said application has not been considered so far, the petitioner is before this Court.

4. 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 respondents 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. 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



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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 respondent herein to consider the petitioner's application and representation dated 01.03.2022 and 07.07.2023 on its own merits and pass appropriate orders in accordance with law, after making due enquiry, 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 case or the claim of the petitioner and it is open to the 1st respondent to consider the same on its own merits.

6. With the above direction, this writ petition is **disposed of**. No costs.

10.06.2024

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R.N.MANJULA,J

RR

**ORDER
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