



W.P.(MD)No.20866 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.20866 of 2023 &  
W.M.P.(MD)No.17277 of 2023

M.G.Arun

... Petitioner

vs.

1.State of Tamil Nadu,  
Represented by Secretary,  
Department of Transport,  
Namakkal Kavignar Maligai,  
Fort St.George, Chennai - 600 009.

2.State Express Transport Corporation,  
Represented by Managing Director,  
State Express Transport Corporation,  
Tamil Nadu Ltd.,  
Thiruvalluvar House No.2,  
Pallavansalai, Chennai - 600 002.

3.General Manager,  
State Express Transport Corporation,  
Thiruvalluvar House,  
No.2 Pallavansalai, Chennai - 600 002.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Mandamus,



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(a) To direct the respondents to identify the prescribed quota in C and D categories of posts meant to be filled on compassionate ground from amongst the total existing vacancies and declare the proportionate quota of vacancies so computed on compassionate ground.

(b) To direct the respondents to consider those wait list applications including the petitioner for appointment against the vacancies so computed in terms of prior clause (a) within a fixed time frame as fixed by this Court.

(c) To direct the second respondent to disclose the information to the petitioner regarding the 203 compassionate grounds appointments that were made since 2009 onwards till date.

(d) Award cost of the petition, in favour of the petitioner.

For Petitioner : Ms.P.Devishree Nachiyar

For Respondents : Mr.M.Ramesh,  
Government Advocate for R1  
  
Mr.S.C.Herold Singh  
Standing Counsel for R2

### **ORDER**

Heard Ms.P.Devishree Nachiyar, learned counsel appearing for the petitioner, Mr.M.Ramesh, learned Government Advocate appearing



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for the first respondent and Mr.S.C.Herold Singh, learned Standing Counsel for the second respondent.

2. The petitioner's father who worked as a Conductor in the second respondent Corporation died on 21.01.2008 while in service. Subsequently, the petitioner has made an application to the respondents on 21.01.2009 seeking compassionate appointment. However, the same is still pending.

3. Ms.P.Devishree Nachiyar, learned counsel appearing for the petitioner submitted that all those persons who have given applications much later than the petitioner have been considered and in respect of those candidates, appointments have been given considering that their seniority has reached for getting an order for appointment.

4. Mr.S.C.Herold Singh, learned counsel appearing for the second respondent submitted that the petitioner is in seniority no.292.



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5. In such case, the same yardstick ought to have been adopted to all those persons who have applied for appointment on compassionate grounds subsequent to the petitioner and for whom appointment orders have been issued.

6. The learned counsel appearing for the second respondent submitted that in the post of Driver more vacancies are there and those persons who has the eligibility to be appointed as Driver can be appointed easily.

7. Admittedly, this petitioner did not seek appointment on compassionate grounds to the post of Driver. The petitioner claims that he has licence to be appointed as a Conductor. In such case, the respondents did not have to wait until any administrative post arises for considering the petitioner to be appointed on compassionate grounds.

8. At this juncture, the learned counsel appearing for the second respondent further submitted that even for the appointment to the post of



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Conductor, the recent requirement of the respondents would require the licence of both the Driver and Conductor in order to manage all situations on road.

9. In such case, the respondents could have prompted the petitioner to possess the driving licence as well, in order to get appointed in either of the posts like Driver or Conductor. Since the petitioner is said to have been in possession of Conductor licence, I feel that, he can be considered as a special case by the respondents and appointment on compassionate grounds be released to him on condition that he should also acquire the driving licence within a time limit. It is made clear that if there is no vacancy in the administrative side, the petitioner cannot approach the respondents to accommodate him in any of the posts in the administrative side.

10. In view of the above observations, the writ petition is **disposed of** and the respondents are directed to consider the application of the petitioner for appointment on compassionate grounds and release



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appoint to him to the post of Conductor without waiting for any post arising in the administrative side, within a period of four weeks from the date of receipt of a copy of this order. This shall not be construed that even if there are some vacancies in the administrative side, the petitioner shall not be accommodated in the same, but be appointed only as a Conductor. No costs. Consequently, connected Miscellaneous Petition is closed.

19.06.2024

NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order

*mbi*

To

State of Tamil Nadu,  
Represented by Secretary,  
Department of Transport,  
Namakkal Kavignar Maligai,  
Fort St.George, Chennai - 600 009.



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R.N.MANJULA, J.

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