



WP(MD). No.21074 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10/06/2024

CORAM

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

WP(MD). No.21074 of 2023

R.Sakthi Praba

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Division,
Bye Pass Road,
Madurai..

2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Bye Pass Road,
Dindigul..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent herein to appoint the petitioner in anyone of the suitable post by considering her educational qualification on Compassionate Grounds due to the death of her father V.Raja (Senior Grade Driver) Employment



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No. 52067 on the basis of her application dated 05.06.2014 within the time stipulated by this Court.

For Petitioner : Mr.J. Lawrance

For Respondents : Mr.S.C.Herold Singh

ORDER

The writ petition has been filed for a mandamus to direct the Respondent herein to appoint the petitioner in anyone of the suitable post by considering her educational qualification on Compassionate Grounds due to the death of her father V.Raja (Senior Grade Driver) Employment No. 52067 on the basis of her application dated 05.06.2014 within the time stipulated by this Court.

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

3. The petitioner was 11 years old at the time when his father died on 30.12.2007. His father was working as a Driver in the respondent corporation and he died while in harness. Hence, the petitioner has submitted an application on 22.07.2023 to the respondents for

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compassionate appointment. However, his application was kept pending without any decision thereon. Hence, the petitioner is before this Court with this writ petition.

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 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 application dated



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22.07.2023 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 respondents to consider the same on its own merits.

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

10.06.2024

RR

TO

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Division, Bye Pass Road,
Madurai..
2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited, Dindigul Region,
Bye Pass Road, Dindigul..



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R.N.MANJULA,J

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**ORDER
IN
WP(MD) No.21074 of 2023**

Date : 10/06/2024