



WP(MD) No.26652 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.26652 of 2023
and
W.M.P(MD)No.22906 of 2023

Praveen Kumar

... Petitioner

Vs.

1.The Managing Director

Tamilnadu State Transport Corporation Limited,
Madurai,
Madurai District.

2.The General Manager

Tamilnadu State Transport Corporation Limited,
Dindugul Zone,
National Highway Road,
Dindigul District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in his proceedings in Parvai: Thindu / Ma.Ni.Pi/WP/6090/2023 dated 06.10.2023 quashing the same and consequently directing the respondents to provide compassionate appointment by adding petitioner name as a legal heir in petitioner's father's service book and give same or suitable job opportunity along with all retirement benefits.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.S.Gladson Micheal Rajadurai

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings in Parvai: Thindu / Ma.Ni.Pi/WP/6090/2023 dated 06.10.2023 of the



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seconde respondent and consequently to direct the respondents to provide compassionate appointment by adding the petitioner's name as a legal heir in petitioner's father's service book and give same or suitable job opportunity along with all retirement benefits.

2. Heard Mr.D.Selvanayagam, learned counsel for the petitioner and Mr.S.Gladson Micheal Rajadurai, learned counsel appearing for the respondents.

3. The petitioner has filed an application seeking compassionate appointment in view of the death of his father on 06.09.2022, who was working as a Conductor in TNSSTC. Earlier the petitioner has filed a Writ Petition in W.P.(MD)No.6090 of 2023 to consider his application to grant a direction to consider the application and got an order. Subsequently, his application was considered and the impugned order has been passed stating that his application was rejected in view of the fact that the petitioner's



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name as well as his mother's name was not found in the service records of the petitioner's father and that the mother's name of deceased Shanmugasundharam alone was entered in the service register.

4. Just because the deceased had omitted to include all the names of his family members in the service register, the benefit cannot be denied. Instead the respondents could have required the petitioner to produce the documents to show that he is son of the deceased.

5. However, the learned counsel for the petitioner submitted that the petitioner has got a legal heir certificate and the same has been produced, but it has not been taken into consideration. Since the petitioner has produced the legal heir certificate to prove his status, the respondent is obliged to verify the same and ascertain the status of the petitioner with the deceased



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employee and consider the application of the petitioner on other merits and in accordance with law.

6. In the result, this Writ Petition is **allowed** and the impugned order, dated 06.10.2023 of the 2nd Respondent is set aside. The respondents are directed to reconsider the case of the petitioner by considering the application of the petitioner on other merits and pass appropriate orders on its own merits and in accordance with law within a period of eight weeks. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.26652 of 2023

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11.06.2024