



W.P.(MD)No.30925 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.30925 of 2023

P.Nivetha

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu Transport Corporation,
New Railway Station Road,
Kumbakonam - 612 001.

2.The General Manager,
Tamil Nadu Transport Corporation,
Thirumayam Road,
Thaneerpanthal,
Pudukkottai - 622 001.

3.The Branch Manager,
Tamil Nadu Transport Corporation,
Alangudi Branch,
Karambakudi Road,
Alangudi, Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Paarvai. Tha.A.Po.Ka/Pudu/Sathu/S.M/12 dated 20.11.2023 and quash the same



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and consequently, direct the respondents to appoint the petitioner in any of the post suitable to her education qualification on compassionate grounds.

For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Mr.K.Ramaiah,
Standing counsel

ORDER

Heard Mr.B.Vinoth Kumar, learned counsel appearing for the petitioner and Mr.K.Ramaiah, learned standing counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Tha.A.Po.Ka/Pudu/Sathu/S.M/12 dated 20.11.2023, quash the same and consequently, direct the respondents to appoint her in any of the post suitable to her education qualification on compassionate grounds.

3. The petitioner's father who worked as a Driver in the



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respondent Corporation was subsequently provided with an alternative employment as Cashier due to his visual issues. The petitioner's father died on 28.04.2021 while in service. Subsequently, the petitioner who is one of the daughters of the deceased Government employee has made an application to the respondents on 23.01.2023 seeking compassionate appointment. However, the same was rejected on 20.11.2023 stating that except Driver, Conductor and Technical staff, no other appointment can be made under the compassionate appointment Scheme in the respondent Corporation.

4. Mr.B.Vinoth Kumar, learned counsel appearing for the petitioner submitted that the compassionate appointment scheme does not contemplate any such restrictions and hence, the impugned order should be set aside. It is his submission that since there are other posts available under Group D category in the respondent Corporation, for which appointment can be made under the Scheme as per the Government Order in G.O.(Ms)No.18, Labour and Welfare Department, dated 23.01.2020 and that the respondents could have considered the application of the



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petitioner on other merits instead of stating that no other post is available except Driver, Conductor and Technical staff.

5. Mr.K.Ramaiah, learned standing counsel appearing for the respondents submitted that under the Administrative Category seniority list of the respondent Corporation, the petitioner is kept in seniority no. 152 and whenever, seniority reaches, it is possible to release the appointment to the petitioner on compassionate grounds.

6. In such case, the impugned order of the second respondent is contrary to the submissions now made by the learned standing counsel on instructions.

7. In view of the above, the writ petition is **disposed of** and the impugned order of the second respondent in Tha.A.Po.Ka/Pudu/Sathu/S.M/12 dated 20.11.2023 is set aside and the second respondent is directed to consider the application of the petitioner dated 23.01.2023 afresh in the light of the submission made by the learned standing counsel



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for the respondents today before this Court and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

12.06.2024

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

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R.N.MANJULA, J.

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