



W.P.No.32333 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.32333 of 2025

N.Koteswaran

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Villupuram) Ltd
Rep By General Secretary,
Vellore Region, Vellore District.

2.The Tamil Nadu State Transport Corporation
Rep By The Managing Director Villupuram (Vpm) Ltd.,
Vellore Region, Vellore.

3.The Tamil Nadu State Transport Corporation
Rep By The General Manager
Vellore Region, Vellore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus, Calling for the
records relating to the impugned order dated 22.07.2020 made in Letter
No.5948/ Ni.2/ TNSTC (Villupuram) /Ve.Dt/ 2020 passed by the 3rd
respondent, quash the same and consequently to direct the respondents to



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grant compassionate appointment to the petitioner in the place of the death of the petitioners father late.Neethipathi, who died in harness on 25.10.2009 by considering the judgement and decree dated 30.08.2019 made in O.S. No.309 of 2009 on the file of the Ld. District Munsif Court, Gudiyattam, Vellore District.

For Petitioner : Mr.S.Shrish for Mr.N.Manokaran

For Respondents : Ms.S.Pavithra Standing counsel
(TNSTC) (VPM)

ORDER

This Writ Petition has been filed challenging the impugned order dated 22.07.2020 passed by the 3rd respondent rejecting the request of the petitioner for being appointed on compassionate ground holding that the application has been made 10 years after the death of his father.

2. The case of the petitioner is that his father was employed as a bus driver in the office of the 1st respondent from 30.05.1981 and had served for more than 28 years. He died in harness on 11.10.2009, leaving behind his wife and three sons, including the petitioner, as his legal heirs. The petitioner was 21 years old when his father passed away.

3. On 25.10.2009, the petitioner's mother had sent a letter to the 1st



respondent to disburse all the death cum pension benefits of the petitioner's late father. The 1st respondent had orally informed that an objection letter was given by one Kuppammal stating that she is the wife of the petitioner's father, Neethipathi and hence the terminal benefits were not disbursed in view of the said objection. Immediately, the petitioner along with his mother and brothers filed a suit in OS.No.309 of 2009 before the District Munsif Court, Gudiyattam, Vellore, to declare their status as legal heirs of late R.Neethipathi, against the said Kuppammal. A counter suit was also filed by the said Kuppammal and her children in OS.No.170 of 2011. The respondent Transport Corporation was also a party to both the suits. Both the suits were tried jointly and by consent, the suits were disposed of and the Court directed the Transport Corporation to grant compassionate appointment to the petitioner herein in view of the no objection stated during the cross-examination by the rival parties.

4. After receiving the court order, the petitioner immediately submitted a representation dated 07.07.2020 to the 1st respondent, requesting consideration for compassionate appointment. However, the request was rejected on the ground that it had been made 10 years after the death of his father, which exceeded the limitation period of 3 years.



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Challenging this rejection, the present Writ Petition has been filed.

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5. The learned counsel appearing for the petitioner would submit that since there was a pending dispute, the petitioner was unable to file the application for compassionate appointment within three years of his father's death and even if the petitioner had submitted the request within the prescribed period, it would not have been considered by the respondents due to the rival claims made by Kuppammal and her children. Now that the dispute has been settled, and the rival parties have also given their consent for the appointment of the petitioner, and a decree has been passed in favour of the petitioner, it is prayed that the impugned order may be set aside and the petitioner's request be considered in terms of G.O.Ms.No.18 Labour & Employment (Q1) Department dated 23.01.2020, without insisting on the ground of limitation.

6. The learned Standing Counsel for the respondents would submit that the 3rd respondent had rejected the request of the petitioner only on the ground that the application seeking compassionate appointment has been filed beyond 3 years from the death of the petitioner's father and would seek for the dismissal of the Writ Petition.



7. Heard the learned counsel on either side and perused the materials available on record.

8. The fact remains that even if the application seeking compassionate appointment had been filed in time, the respondents would not have considered the application on account of the pending dispute between the rival parties. The petitioner was compelled to approach the Court, where he obtained a judgement and decree in his favour and within one year from the date of the decree, the petitioner submitted a representation seeking compassionate appointment along with an affidavit of consent from the rival parties. It is also the claim of the petitioner that he is having a valid driving licence and that he is otherwise eligible for appointment. Further, in similar circumstances, this Court, by an order dated 28.09.2021 in WP.No.20717 of 2021, had condoned the period of limitation of 3 years and had directed the respondent Transport Corporation to consider the representation of the petitioner therein for compassionate appointment. Therefore, the petitioner's case deserves to be considered by the respondents, if he is otherwise eligible.

9. In view of the above, the impugned order dated 22.07.2020 is quashed and the matter is remitted to the 2nd respondent for fresh



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consideration. The 2nd respondent is directed to consider the representation of the petitioner within a period of 8 weeks from the date of receipt of a copy of this order. If the petitioner is otherwise eligible to be appointed on compassionate grounds in terms of G.O.Ms.No.18 Labour & Employment (Q1) Department dated 23.01.2020, G.O.Ms.No.33 Labour Welfare And Skill Development (Q1) Department dated 08.03.2023 and other relevant Government Orders, the 2nd respondent may suitably issue an order of employment to the petitioner.

10. With the above observations, this Writ Petition is disposed of.

No costs.

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Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
(shr)

To

1. The General Secretary,

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Tamil Nadu State Transport Corporation (Villupuram) Ltd
Vellore Region, Vellore District.

2.The Managing Director
Tamil Nadu State Transport Corporation
Villupuram (Vpm) Ltd.,
Vellore Region, Vellore.

3.The General Manager
Tamil Nadu State Transport Corporation
Vellore Region, Vellore.

A.D.JAGADISH CHANDIRA. J.,



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