



WEB COPY

WP No. 47146 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 47146 of 2025

and

WMP No.52696 of 2025

Mrs.Gayathri

Petitioner(s)

Vs

1. The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
37, Mettupalayam Road, Coimbatore – 641 043.

2.The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
37, Mettupalayam Road,
Coimbatore – 641 043.

3.The Transport Secretary
Tamil Nadu Transport Corporation,
Secretariat, Chennai 600 009.

Respondent(s)

PRAYER

This Writ Petition filed under Article 226 of the Constitution of India, in the nature of Writ of Certiorarified Mandamus, seeking to quash the communication dated 17.08.2023 bearing No.205/,3/gJ1/jmngfh/nfh/2023 issued by the 2nd respondent herein and consequently directing the respondents to provide suitable employment to the petitioner on compassionate grounds based on her educational qualification.



For Petitioner(s): Mr.A.Parthasarathy

For Respondent (s): Mr.C.Gawthamaraj
Standing Counsel for R1 and R2

Mr.T.M.Rajangam
Government Advocate for R3

ORDER

This Writ Petition has been filed challenging the communication dated 17.08.2023 issued by the 2nd respondent herein, rejecting the petitioner's request for compassionate appointment and for a consequential direction to the respondents to provide suitable employment to the petitioner on compassionate grounds based on her educational qualification.

2. With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for disposal in the admission stage.

3. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the second wife of the deceased and her son, who made application for compassionate appointment was rejected by the 2nd respondent on the



ground of belated representation. Challenging the same, the present writ petition is filed.

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5. Learned counsel appearing for the petitioner would submit that the petitioner's husband, Thiruvengkataraj joined as Driver in the Tamil Nadu State Transport Corporation in the year 1990. He married his first wife in the year 1995. However, in the same year, the first wife died thereafter, the petitioner performed second marriage with the petitioner on 02.03.1997 thereafter, he blessed with one male child thereafter, he died on 16.08.2008 immediately thereafter, the petitioner made a representation on 27.06.2008 for providing compassionate appointment, since the petitioner's son is minor. However, there was no reply from the respondents. Again, the petitioner's son after attaining majority made a representation on 30.11.2016 and 08.07.2019. In the meanwhile, the petitioner filed a succession OP on the file of the I-Additional District Munsif, Coimbatore and the same was allowed in the her favour and again, she made another representation on 06.07.2023 and thereafter, the Revenue Department issued a legal heir certificate on 27.03.2023 and subsequently, the present impugned order is passed rejecting the petitioner's son representation. Challenging the same, the present writ petition is filed.

6. Learned counsel appearing for the petitioner would submit that admittedly, there is no proof available to the petitioner for claiming



compassionate appointment in the year 2008 and after the petitioner's son attained majority, he made an application however, the same was rejected by the 1st respondent is not an acceptable one and the respondent has to consider whether the petitioner's family is in harness or not. Without considering the financial capacity of the family and mechanically rejected the petitioner's son claim for compassionate appointment is not acceptable one. Accordingly, he prayed for appropriate orders.

7. Per contra, learned counsel appearing for the respondent would submit that for providing compassionate appointment, detailed guidelines are framed by the Government in G.O.Ms.No.33 dated 2023. As per the guidelines, if belated representation for claiming compassionate appointment cannot be entertained. The application for compassionate appointment has to be made within a period of three years from the date of death of the petitioner's husband. Further, compassionate appointment provided only for the family, who are suffered harness due to the death of the Karta.

8. Learned counsel for the respondents would submit that in the present case, the petitioner is the second wife of the deceased (died in the year 2008), till 2022, the petitioner not taken any action for claiming the benefit or proving herself as the legal heir of deceased, Thiruvengkataraj and only in the year 2022, she made a succession OP and obtained order which will not give any right to



the petitioner or her son to claim compassionate appointment and the application made beyond three years for compassionate appointment cannot be entertained. Accordingly, he prayed for dismissal of the writ petition.

9. In view of the above discussion, this Writ Petition is dismissed. However, the respondents are directed to pay subsistence allowance. No costs. Consequently, connected miscellaneous petition is closed.

05-12-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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M.DHANDAPANI J.

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