



WEB COPY

W.P. No.22389 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.22389 of 2021

and

W.M.P. No.23642 of 2021

R.Shanmuga Sundaram
S/o.Late Mr.V.E. Rajendran,
Milagarmeli Village, Thiruvanaikaval Post,
Via Orakkattu Pettai, Uthiramerur Taluk,
Kanchipuram District.

..Petitioner(s)

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division III Ltd,
Kanchipuram.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Division Ltd, Kanchipuram.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the record relating to the order dated 31.07.2006 of the 2nd Respondent in his letter No.242/ 3820/ Pa.6/ TNSTC (Vi) / Kanchi/ 05 and quash the same and further directing the Respondents to consider the claim of the petitioner for appointment on compassionate grounds.

For Petitioner(s):

Mrs.Ramapriya
for Mr. V.Sundharesan

For Respondent(s):

Mr.M.Radhakrishna
Standing Counsel



ORDER

The present writ petition is filed challenging the impugned order dated 31.07.2006 whereby the request of petitioner's mother for appointment of the petitioner on compassionate ground was rejected on the premise that the application has not been made within a period of three years from the date of death of the deceased employee.

2. Petitioner's father worked as Driver in Tamil Nadu State Transport Corporation. He died on 09.06.2001, at the age of 35 years while in service. Petitioner was about 13 years when his father passed away. Petitioner's mother submitted an application on 22.10.2001 seeking appointment on compassionate basis, however, since the said application was not being considered, petitioner's mother submitted another representation to the 1st respondent and requested consideration of the petitioner for appointment on compassionate basis. Petitioner submitted an application on 20.07.2005 and thereafter submitted a representation, petitioner's mother gave another representation on 06.03.2006 to re-consider the same. The impugned order was passed on 31.07.2006 wherein the application/ representation made by petitioner's mother for considering the petitioner's appointment on compassionate basis was rejected on the premise that the application is made three years after the death of her father (employee).



3. Learned counsel for petitioner would submit that the family is impoverished with no literate's, hence, there has been delay in requesting compassionate appointment.

4. Learned counsel for respondents on the other hand would submit that the impugned order does not warrant any interference inasmuch as the petitioners have not been vigilant in approaching the appropriate authority for appointment on compassionate ground. In addition, he would also submit that after suffering the order of rejection of appointment on compassionate ground on 31.05.2016, they have approached this Court 15 years thereafter, would thus submit that the writ petition ought not be entertained.

5. This Court finds that there is merit in the submission of the learned counsel for respondents inasmuch as it is trite that this Court would exercise its power of judicial review under Article 226 of the Constitution of India only to those who are vigilant. This Court also finds that the application for compassionate appointment was made three years after the death of the employee i.e., petitioner's father and he has approached this Court nearly a decade and half, since the impugned order came to be passed rejecting the request for compassionate appointment. This clearly shows that the petitioner has been not vigilant in pursuing his remedies, thus this Court is not inclined to entertain the writ petition. That apart, this Court also finds that no purpose



would be served inasmuch as subsequent Government orders which reflects the policy of the Government and Corporation have specifically incorporated three year period as a reasonable period for the legal heirs of the deceased employee who dies in service to submit application for compassionate appointment.

6. In the light of the above, this Court is inclined to dismiss the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

09-04-2026

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



To:

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division III Ltd,
Kanchipuram.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Division Ltd, Kanchipuram.



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MOHAMMED SHAFFIQ J.

MKA

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