

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.33847/2015

Mrs.R.Sivaranjini

..

Petitioner

Versus

1. The District Collector
Perambalur, Perambalur District.

2. The Divisional Engineer
Highways Department,
Veppanthattai, Perambalur District.

.. Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the 2nd respondent to consider petitioner's representation dated 12.03.2015.

For Petitioner : Mr.J.Rajendran

For Respondents : Mr.V.Subbiah, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims to be the daughter born through the first wife of [late] Tharmakannu and submitted a representation dated 12.03.2015 to the respondent seeking appointment on compassionate ground on account of the demise of her father, viz., Tharmakannu, who was working as a Road Mazdoor in the services of the 2nd respondent. According to the petitioner, her father died on 01.05.2011, leaving behind the following legal heirs:-

- [1] Mr.Andi, father of the deceased
- [2] Mrs.Myili, mother of the deceased
- [3] Mrs.Ilayakanni, second wife of the deceased
- [4] Sivaranjini, daughter of the deceased
- [5] Yogeswari, daughter of Ilayakanni
- [6] Poondaleer daughter of Ilayakanni

and since her mother, viz., Rajamani, also died on 25.12.2007, she is the sole legal heir. It is further stated by her that she has completed B.A. [Literature] course in Bharathidasan University and though her application praying for compassionate ground appointment was received and acknowledged by the respondents on 16.03.2015, no orders have been passed and hence, she came forward to file this writ petition.

3 Learned counsel for the petitioner has drawn the attention of this Court to the letter of the 2nd respondent dated 25.03.2015 addressed to the Special Officer of the Hon'ble Chief Minister Grievance Cell and would submit that particulars given in Column 4 is wrong for the reason that the petitioner has submitted an application seeking appointment on compassionate ground and it was also acknowledged by the respondents 1 and 2 on 16.03.2015 and therefore, it is not correct to state that the petitioner did not submit any application and prays for appropriate orders.

4 Per contra, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that admittedly the petitioner did not submit the application within the period of three years from the date of the demise of her father and as such, it may be considered as per the relevant norms.

5 This Court, after taking note of the rival submissions made on either side and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 16.03.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

AP

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Perambalur, Perambalur District.

2. The Divisional Engineer
Highways Department,
Veppanthattai, Perambalur District.

+ 1 cc to Mr.L.Rajendran, Advocate SR 58165

+ 1 cc to Govt.Pleader SR 58598

rv(co)
prk17/11

WP.No.33847/2015



WEB COPY