

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.17586 of 2015

S.Devi

... Petitioner

-Vs-

1. The Director of Town Panchayat,
Chepauk, Chennai 600 005.
 2. The Assistant Director of Town Panchayat,
Salem Region, Salem-1.
 3. The Executive Officer,
Sendhamangalm Town Panchayat,
Namakkal District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 14.05.2015, submitted to the respondents, requesting for appointment to the post of Junior Assistant in the 3rd respondent Town Panchayat and to pass orders thereon on merits and in accordance with law within a time frame to be specified by this court.

For petitioner : Mr.S.Vijayan

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader For R1 and R2
Mr.RM.Muthukumar, GA for R3

ORDER

Considering the limited scope of the prayer, by consent, the writ petition itself is taken up for final disposal.

2. The husband of the petitioner was employed as a Sweeper in the 3rd respondent Town Panchayat. After his death, the petitioner was given employment as a Sweeper by order dated 06.03.2013 while she was in possession of +2 as educational qualification. According to the petitioner, she could be appointed as Junior Assistant in the respondent Town Panchayat. The grievance of the petitioner is that despite representation made to the respondents, he has not been so far considered to the post of Junior Assistant. Hence, he has come forward with this writ

petition seeking appropriate directions to the respondents.

3. Placing reliance on the order of this court dated 29.04.2014 made in W.P.(MD) No.4974 of 2012 [S.Prakash v. The State of Tamil Nadu and others], the learned counsel for the petitioner would submit that even though a person has been appointed on compassionate ground as Sweeper, if he/she was in possession of requisite educational qualification for appointment as Junior Assistant at the time of his appointment as sweeper, he/she could be considered to the post of Junior Assistant in the future vacancy giving preference to him/her.

4. The learned Additional Government Pleader would submit that the request of the petitioner to the post of Junior Assistant would be considered by the Government strictly in accordance with law and in the light of the order referred to above.

5. Considering the limited scope of the prayer and taking into consideration of the fact that the representation of the petitioner dated 14.05.2015 is pending, without going into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 14.05.2015 in accordance with law and in the light of the order passed by the Madurai Bench of this court referred to above and pass orders within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

kmk
To

Sub Assistant Registrar

1. The Director of Town Panchayat,
Chepauk, Chennai 600 005.
2. The Assistant Director of Town Panchayat,
Salem Region, Salem-1.
3. The Executive Officer,
Sendhamangalm Town Panchayat,
Namakkal District.

+1cc to Mr.S.Vijayan, Advocate, S.R.No.30130
+1cc to the Government Pleader, S.R.No.30321

W.P.No.17586 of 2015

GGK(CO)
CA(28/07/2015)