

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31074 of 2015

B.Velankanni

... Petitioner

Vs.

- 1 The State of Tamil Nadu  
Rep. by its Secretary to Government  
Municipal Administration and water supply  
Department Secretariat Chennai-9.
- 2 The District Collector  
Perambalur District Perambalur.
- 3 The Assistant Director Of Town  
Panchayats Trichy Region Collectorate  
Office, Trichy District.
- 4 The Executive Officer  
Labbaikudikadu Town Panchayat  
Labbaikudikadu Veppanthattai Taluk  
Perambalur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claims of the petitioner for appointment on compassionate ground in any one of the vacancies.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Mr.V.Subbiah for R1 to R3  
Special Government Pleader  
Mr.P.Sanjai Gandhi for R4  
Additional Government Pleader

O R D E R

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

2. The petitioner would state that her husband namely, Late.Benjamin was initially appointed as Sweeper in the year 1993 on daily wage basis at Labbaikudikadu Town Panchayat, Kunnam Taluk, Perambalur District and thereafter brought into consolidated pay of

Rs.1200/- on 01.07.1999 based on G.O.Ms.No.199, Municipal Administration and Water Supply Department, dated 12.08.1997 and that the concerned respondent has sent a proposal for regularising the services of the petitioner's husband and pending consideration, he died on 30.10.2002 leaving behind the petitioner and two daughters.

3. Immediately, the petitioner submitted representation dated 21.04.2003 and 05.05.2003 with a request to appoint her in any post on compassionate grounds in terms of the relevant Government Orders and the fourth respondent on receipt of the said request, has informed the Collector of Perambalur District that since the ban order is in force in terms of G.O.Ms.No.212, P & AR Department, dated 29.11.2001, the request for giving appointment on compassionate grounds have not been considered and in this regard, very many representations have been submitted and it was also followed by a letter dated 19.08.2015 of the National Commission for Scheduled Castes and Scheduled Tribes which is a statutory body and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of Mr.G.Elanchezhian, learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and Mr.P.Sanjai Gandhi, learned Additional Government Pleader who accepts notice on behalf of the fourth respondent and he would submit that the petitioner has simultaneously lodged complaint to the National Commission for Scheduled Castes and Scheduled Tribes and therefore, she cannot invoke the jurisdiction of this Court by filing writ petition.

5. This Court heard the rival submissions and also perused the materials placed before it.

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the respondents 3 and 4 to consider and dispose of the petitioner's representations dated 27.12.2007, 26.12.2013, August, 2014 and 27.07.2015 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.

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

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Sd/-

Assistant Registrar (IV)

/True Copy/

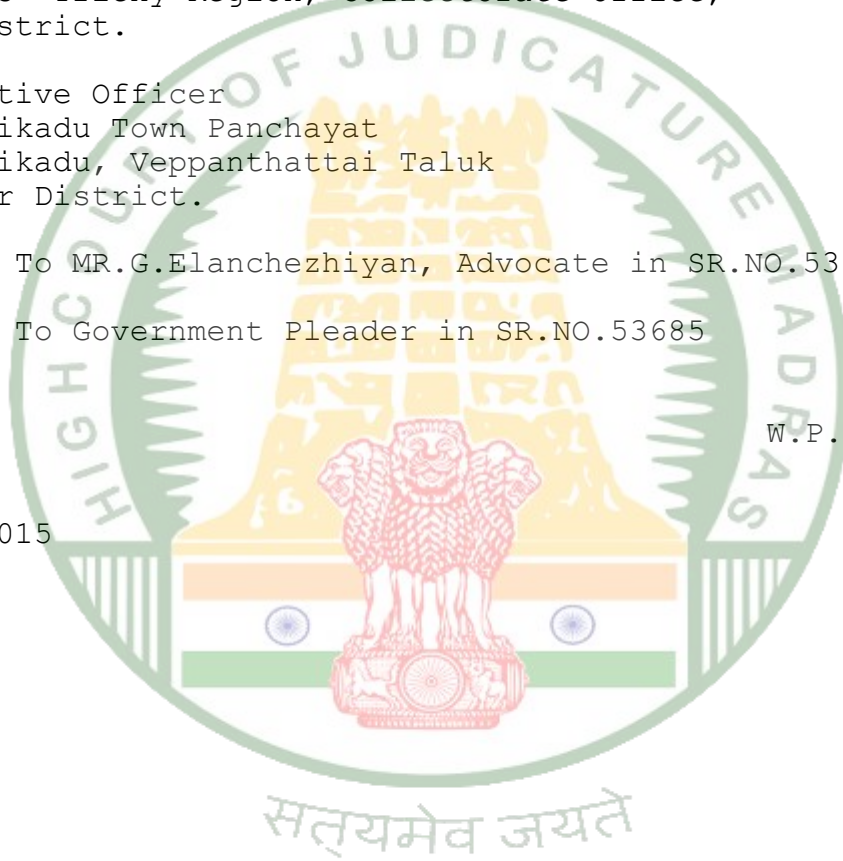
Sub-Assistant Registrar

To

- 1 The State of Tamil Nadu  
Rep. by its Secretary to Government  
Municipal Administration and water supply  
Department, Secretariat, Chennai-9.
  - 2 The District Collector  
Perambalur District,  
Perambalur.
  - 3 The Assistant Director Of Town  
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Trichy District.
  - 4 The Executive Officer  
Labbaikudikadu Town Panchayat  
Labbaikudikadu, Veppanthattai Taluk  
Perambalur District.
- +1 C.C. To MR.G.Elanchezhiyan, Advocate in SR.NO.53861
- +1 C.C. To Government Pleader in SR.NO.53685

W.P.No.31074 of 2015

SV(CO)  
sd : 14/10/2015



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