

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35152 of 2015
and M.P.No.1 of 2015

M.Manikandan

... Petitioner

Vs.

- 1.The Director General of Police,
Uniformed Service,
Mylapore, Chennai - 600 004.
- 2.The Superintendent of Police,
Thiruvallur District, Thiruvallur. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records pending on the file of the 2nd respondent in his Proceedings in Na.Ka.No. A4/119/17558/2015 dated 22.8.2015 and quash the same as illegal unlawful and consequently direct the 1st and 2nd respondents to appoint the petitioner as a Police Constable on the ground of compassionate appointment.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

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

2. The case of the petitioner is that his father viz., V.Murugesan, while serving as a Police Constable, P.C.No.960 D.S. Pallipet Police Station, died on 15.09.2003 and immediately, the petitioner's mother gave a representation dated 21.03.2006 seeking compassionate appointment for the petitioner after attaining his majority, since he was studying 5th standard at that time and she has suffered from incurable deceased.

3. It is the further case of the petitioner that her mother also died on 17.04.2007 and after her demise, he was looked after by his maternal uncle MrR.Moorthy and after he attained majority, he sent a representation, which was rejected on the ground that he made a representation after 12

4. Learned counsel appearing for the petitioner has submitted that the petitioner's mother submitted an application within 3 years of death of his father and the petitioner gave this application immediately after attaining majority. As per the decision of this Court, the application cannot be rejected on the ground of delay. Further, the petitioner was not given opportunity before passing the impugned order and therefore, it is against the principles of natural justice.

5. Heard the submissions of Mr.S.Venkatesh, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

6. Considering the submission made by the learned counsel appearing for the petitioner and after perusing the records, this Court is of the opinion that the impugned order has to be set aside, as the petitioner was not heard before passing the order.

7. Accordingly, the impugned order passed by the second respondent is set aside and the respondents are directed to consider and dispose of the petitioner's representation dated 25.05.2015 on merits and in accordance with law and pass orders, after affording an opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vsm

To

- 1.The Director General of Police,
Uniformed Service,
Mylapore, Chennai - 600 004.
- 2.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

+1 cc to Mr.S.Venkatesh, Advocate, sr.59858

+1 cc to The Government Pleader, sr.60111

ar ii, kra 23.11.2015

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