

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37048 of 2016

V.Pavadai Ragavan

... Petitioner

Vs

- 1 Union of India
Rep by The Secretary to Government (LAD)
Chief Secretariat Puducherry 605 001
- 2 The Director Local Administration
Department,
Puducherry Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the proposal submitted by the Commissioner, Puducherry Municipality to the 2nd respondent and the representations submitted by the petitioner and lastly filed on 30.9.2016 for offer of compassionate appointment.

For Petitioner : Mr.P.Suresh

For Respondents : Mrs.N.Reena Iswariya,
Addl. Govt. Pleader (Pondy)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider the proposal submitted by the Commissioner, Puducherry Municipality to the second respondent and the representations submitted by him and lastly filed on 30.9.2016 for offer of compassionate appointment.

3. It is the case of the petitioner that his parental grand mother by name Matcha Gandhi died on 30.12.1998 while in service as Sanitary worker in Puducherry Municipality, Puducherry. Thereafter, her son S.Vinayagam (the petitioner's

father) was considered for appointment on compassionate grounds. However, his father also died on 11.10.2004. The petitioner is the only son to look after the family. Hence, he submitted a representation dated 3.1.2005 to the respondents to consider his case. Thereafter, as per the directions of the respondents, he submitted an application for appointment on compassionate grounds in the prescribed format on 7.10.2007. Subsequently, the Commissioner, Puducherry Municipality has submitted a proposal containing all the relevant documents as required for compassionate appointment along with resolution of the council and proforma along with certificates to the Director / Local Administration Department, Puducherry. Further, the Municipal Council had also approved the proposal by passing due resolution that the case of the petitioner may be considered as a special case. But, till date, the second respondent has not taken any steps. In this regard, the petitioner submitted a representation dated 30.9.2016 to the second respondent. But, the same was also not considered. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, Pondicherry, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a copy of the representation dated 30.9.2016 to the second respondent along with a copy of this order, within a period of two weeks from the date receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation seeking appointment on compassionate grounds and pass appropriate orders, on merits and in accordance with law and also based on the proposal submitted by the Commissioner, Puducherry Municipality, dated 9.10.2007, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1 The Secretary to Government (LAD)
Union of India
Chief Secretariat Puducherry 605 001

2 The Director Local Administration
Department,
Puducherry

+1 cc Mr.P.Suresh, advocate, sr.60284

+1 cc to Government Pleader, sr.61020.

gj (co)

krd 24/11

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