

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40093 of 2016

and W.M.P.No.34140 of 2016

1.Balaji
2.Hemalatha

... Petitioners

Vs

- 1 The District Collector
Chennai District District Collectorate
Office Chennai.
- 2 The Commissioner
Corporation of Chennai Rippon Building
Chennai-600 003.
- 3 The Deputy Collector
Admin & General Department Greater Chennai
Corporation Ripon Building Chennai-600 003.
- 4 District Revenue Officer /
Zonal Officer Greater Chennai Corporation
Thiruvottiyur Chennai-600 019.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 2 to 4 to consider the petitioners' representation dated 18.8.2016 in view of the Judgment passed in W.P. (MD) No. 15658 of 2012 dated 4.4.2014 and provide an employment to the petitioner under Compassionate appointment for any suitable post in the place of his father Late Mr.Kumar, who died in harness on 21.12.2010.

For Petitioners : Mr.S.Sathyaraj

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader.

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents 2 to 4 to consider their representation dated 18.8.2016 in light of the Judgment passed in W.P. (MD) No. 15658 of 2012 dated 4.4.2014 and provide employment to the first petitioner on Compassionate grounds in any suitable post in the place of his father Late Kumar, who died in harness on 21.12.2010.

3. It is the case of the petitioners that the father of the first petitioner one Kumar was working as a Driver in the Thiruvottiyur Municipal corporation, who died in harness on 21.12.2010, leaving behind his wife, his two sons and mother. After his death, at first, the second petitioner made an application dated 27.5.2011 to the Commissioner, Municipality, Thiruvottiyur, seeking compassionate appointment to her. But, later, she has given another representation dated 1.11.2012 seeking employment to her son, the first petitioner herein. But, there is no response for the said representations. After the administration change in the Thiruvottiyur Municipality, the second petitioner received a communication from the fourth respondent to approach him with supported documents. Again, the petitioners have given another representation dated 18.8.2016 to the respondents to provide appointment to the first petitioner. But, the said representation was also not considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners submitted that in identical situation, the Madurai Bench of this Court in W.P.(MD) No.15658 of 2012 by order dated 4.4.2014, has passed a detailed order, directing the respondents therein to provide compassionate appointment to the petitioner therein. Therefore, it would suffice, if a direction is issued to the respondents herein to consider the representation of the petitioners in the light of the said order.

5. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

6. 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 petitioners, this Court directs the petitioners to send a copy of the representation dated 18.8.2016 along with a copy of this order to the respondents 2 to 4 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 2 to 4 are directed to consider the said representation seeking compassionate appointment to the first petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the order of the Madurai Bench of this Court dated 4.4.2014 made in W.P.(MD) No.15658 of 2012 (S.Nagarajan v. The Superintending Engineer and another), within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1 The District Collector
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- 2 The Commissioner
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Amin & General Department Greater Chennai
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- 4 District Revenue Officer /
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Thiruvottiyur Chennai-600 019.

+2cc to Mr.S.Sathyaraj, Advocate, SR.No.69872

W.P.No. 40093 of 2016

SDR 29.12.2016