

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42867/2016

R.Suriya

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Petitioner

Vs.

1.The Secretary to Government
State of Tamilnadu,
Municipal Administration &
Water Supply Department,
Fort St George, Chennai-9.

2.The Commissioner
Tindivanam Municipality
Villupuram District.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the 2nd respondent in his proceedings in O.Mu.No.5733/2016/H1 dated 26.10.2016 and quash the same and consequently, direct the respondents to appoint the petitioner on compassionate grounds to any suitable post in 2nd respondent Municipality within a time frame to be fixed by this Court.

For Petitioner : Mr.Sathia Chandran

For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhanajayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner would state that she belongs to Hindu, Adi Dravidar Community and her father namely Ramu, was working as Loadman on daily wages and on 18.05.1998, he died in a motor accident, leaving behind the petitioner's mother, viz., Indirani, her brother Manivannan and herself and at that time, she was aged 6 years and her brother was aged 9 years. The petitioner would further state that her mother Indirani, was working as a sweeper in the services of the 2nd respondent and out of the income earned, she was managing the family which included her aged mother Irusammal, who died on 07.06.2014. It is further stated that in spite of poor economic background, the petitioner has completed her SSLC and however, could not pursue her further studies due to socio-economic conditions and her

elder brother had discontinued his studies at 6th standard for the purpose of supporting the family and subsequently, he also got married to one Priyanka on 15.06.2016 and he is living separately. The petitioner's mother died on 22.11.2015 in harness and the petitioner's brother was appointed as a sanitary worker in the services of the 2nd respondent Municipality about three years back and on account of the petitioner's brother marriage, he could not support her and as such, the petitioner is left in lurch. Therefore, she submitted an application / representation dated 23.03.2016, to the 2nd respondent praying for appointment on compassionate ground, enclosing all the required and necessary documents. However, to her shock and surprise, the 2nd respondent vide impugned communication dated 26.10.2016, has rejected the application, stating that her relationship with one Irusammal, whose name is mentioned in the Family Card of the petitioner, was not clarified and that the employment of the petitioner's brother Manivannan, as a permanent sanitary worker was not mentioned in the comprehensive certificate issued by the Tahsildar and as such, the petitioner's request cannot be considered. Challenging the legality of the order, the petitioner has come forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that though the brother of the petitioner was initially supporting, subsequent to the demise of their mother, he is not supporting the petitioner and the grandmother of the petitioner has also died and as such, the petitioner is left in lurch and also facing huge hardship and difficulty and therefore, the petitioner has prayed for appointment on compassionate ground vide application / representation dated 23.03.2016, enclosing all the necessary documents and the reasons assigned for the rejection of the said request is, *per se* unsustainable and therefore, prays for interference.

4 Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that since the material fact of the employment of the petitioner's brother has been suppressed, the petitioner is not entitled to any relief.

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

6 A perusal of the typed set of documents would disclose that though the petitioner's brother is employed as a sanitary worker in

the services of the 2nd respondent / Municipality, the fact remains that he got married to one Priyanka on 15.06.2016 and it is the specific case of the petitioner that he is living away and he has set up a separate family and as on today, there is nobody to support the petitioner for the reason that her mother is no more and her grandmother has also pre-deceased the petitioner's mother. The petitioner along with the application, has also enclosed necessary documents which includes the Death Certificate of her grandmother Irusammal. In the light of the facts and circumstances, this Court is of the view that the reasons assigned by the 2nd respondent for rejecting the petitioner's application seeking compassionate ground appointment, are unsustainable and it requires re-consideration.

7 In the result, the writ petition is partly allowed and the impugned order passed by the 2nd respondent dated 26.10.2016 is set aside and the matter is once again remanded to the 2nd respondent for fresh consideration and after affording an opportunity of personal hearing to the petitioner, the 2nd respondent shall dispose of the petitioner's application / representation dated 23.03.2016 seeking compassionate ground appointment on merits and in accordance with law and pass orders within a period of ten weeks from the date of

M.SATHYANARAYANAN, J.,

AP

receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

08.12.2016

Index : Yes / No

Internet : Yes / No

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