

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE **M. VENUGOPAL****W.P. (MD) No. 10653 of 2016**

WEB COPY

S. Fathima Beevi

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Civil Supply Corporation,
Head Office,
No. 12, Thambu Swamy Road,
Chennai-10.

2. The Regional Manager,
Tamil Nadu Civil Supply Corporation,
District Collector Office Premises,
Ramanathapuram Region,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to provide compassionate allowance to the petitioner as per Rule 40 of the Tamil Nadu Pension Rules, 1978 within a time stipulated by this Court.

For Petitioner : Mr. S. Rajasekar
For Respondents : Mr. P. Seetha Raman

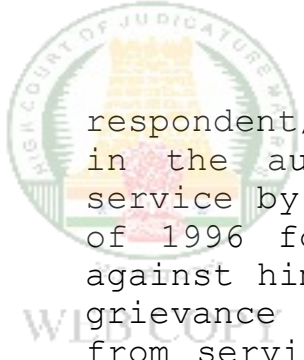
ORDER

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. According to the petitioner, her father late M. Shajahan was selected through the District Employment Office, Ramanathapuram on 04.12.1981 and joined as Temporary Watchman in the office of second respondent/Tamil Nadu Civil Supplies Corporation, Ramanathapuram Region, Ramanathapuram District. Later, he was appointed as Bill Clerk in second respondent's office and was working from 27.08.1990 to 01.09.1992 without any blemish.

4. The stand of the petitioner is that on 01.09.1992, her father Shajahan was removed from his service, from the post of Bill Clerk for his negligence in duty and the allegation was that her father made shortage of 55 cement bags from the second

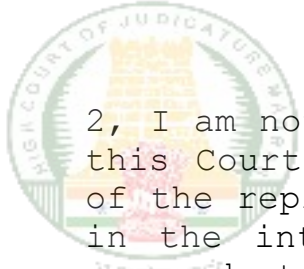


respondent/Civil Supplies Corporation warehouse and it was found in the audit and therefore, his father was removed from his service by the second respondent and a criminal case in Crime No.9 of 1996 for the offence under Section 409 of I.P.C. was filed against him by the District Crime Branch, Ramanathapuram. The real grievance of the petitioner is that her father was not removed from service originally and the second respondent orally informed her father that he was removed from service on 01.09.1992. It is the clear-cut case of the petitioner that there are no records available in the office of the second respondent to establish her father was already removed from his service on 01.09.1992. As a matter of fact, the second respondent had not provided the copy of the dismissal order of her father.

5. The learned counsel for the petitioner submits that her father was acquitted in the criminal case and her father was affected with illness and mental agony and eventually died on 08.07.2008 without getting his job opportunity till his demise. After the demise of her father, on 03.12.2008 and 12.02.2009, the petitioner together with her brother Sheik Abdullah had approached the second respondent in person and submitted the copy of the acquittal judgment pertaining to her father and made a representation before the second respondent in providing employment to anyone of the legal-heirs of her father on compassionate ground. However, the second respondent has not provided employment and made the petitioner and her brother to run from pillar to post. As such, her brother was sent to Malaysia for coolie work. It is to be noted that the petitioner filed W.P.(MD). Nos.5956 of 2015 and 1317 of 2016 before this Court praying for employment to be provided to her on compassionate ground. Since she has not secured the compassionate appointment on the ground that her father was removed from his service at the time of his demise, she sent a detailed representation on 02.07.2015 to the respondents 1 and 2 praying for compassionate allowance to be provided to her as per Rule 40 of the Tamil Nadu Pension Rules, 1978. Subsequently, on 15.06.2016, she sent a reminder to the respondents 1 and 2. However, her representations are still pending.

6. The clear-cut stand of the petitioner is that in terms of Rule 40 of the Tamil Nadu Pension Rules, 1978, the compassionate allowance is to be provided to the petitioner by the first respondent and since her representations dated 02.07.2015 and the subsequent reminder on 15.06.2016 are still pending and not yet disposed of by the authorities concerned, the petitioner has filed the present writ petition before this Court.

7. In view of the fact that the petitioner's representation dated 02.07.2015 and the reminder dated 15.06.2016 are pending as on date and the same is not yet disposed of and also her earlier representation dated 22.07.2013 addressed to the respondents 1 and



2, I am not met with any positive/tangible results, at this stage, this Court, without expressing any opinion on merits and contents of the representations and the reminder so made by the petitioner, in the interest of justice and fair play, directs the 1 and 2 respondents to look into the representation of the petitioner dated 22.07.2013, 02.07.2015 and the subsequent reminder dated 15.06.2016 in a fair, free, with an open mind, unbiased manner and in a dispassionate manner and also to pass a reasoned speaking order on merits (by providing adequate opportunity to the petitioner and others concerned by adhering to the principles of natural justice) within a period of four weeks from the date of receipt of a copy of this order.

8. It is open to the respondents to provide a personal hearing and to provide opportunity to the petitioner in representing her case through any written request/memorandum and if the same is filed by the petitioner, then the authorities shall consider the same and to act in the manner known to law and in accordance with law.

9. The petitioner is directed to render her assistance and co-operation to the respondents 1 and 2 in arriving at a conclusion and to dispose of the representations dated 22.07.2013, 02.07.2015 and the reminder dated 15.06.2016 in a complete and comprehensive manner.

10. With the above observation and direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Chairman cum Managing Director,
Tamil Nadu Civil Supply Corporation,
Head Office, No.12, Thambu Swamy Road, Chennai-10.
2. The Regional Manager,
Tamil Nadu Civil Supply Corporation,
District Collector Office Premises,
Ramanathapuram Region, Ramanathapuram District.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate, SR No.31124

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