



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21427 of 2016

WEB COPY

Tamil Maravan : Petitioner

Vs.

1. The District Collector
(Noon Meal Division),
Madurai District, Madurai.

2. The Commissioiner,
Kottampatti Panchayat Union,
Kottampatti, Madurai District.

3. The P.A. to District Collector,
Madurai District, Madurai.
(The third respondent is impleaded as
per fourth paragraph of this order). : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to provide the petitioner suitable job under the compassionate grounds due to the death of his father namely Lingam on the basis of his application submitted during 2008 and also on the basis of his representation dated 28.10.2016 within the time stipulated by this Court.

For Petitioner : M/s.K.Malathi
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The brief facts leading to the filing of this writ petition are as follows:

The father of the petitioner, namely Lingam, who was employed as Noon Meal Organiser in Saraswathi Primary School, Alangampalli Village, coming under the second respondent Panchayat Union, died on 02.07.2008, while in service, leaving behind his wife, the petitioner and his elder brother viz., Tamilkudimahan, as his



legal representatives. Immediately after the demise of his father, the petitioner submitted an application for compassionate appointment on 22.09.2008 and again on 23.02.2009 and thereafter, the second respondent sought for certain information, which was also furnished by the petitioner. The petitioner has also produced Legal Heirship Certificate, issued by the Tahsildar, dated 31.07.2008. The second respondent has also recommended that the petitioner is entitled for compassionate appointment. Even, the final representation dated 28.10.2016 has not been considered. Despite of representations being given from 22.09.2008 to 28.10.2016, such claim of the petitioner has not been considered so far, this writ petition has been filed.

4.The learned Additional Government Pleader appearing for the respondents would submit that the P.A. to Collector is the competent authority to appoint the petitioner on compassionate grounds and he will consider the representation of the petitioner and pass appropriate orders. In view of the same, the P.A. to District Collector, Madurai District, Madurai, is suo motu impleaded as third respondent in this writ petition.

5.Recording the submission made by the learned Additional Government Pleader appearing for the respondents, the third respondent is directed to consider the representation of the petitioner dated 28.10.2016 in terms of his legitimate claim and to pass appropriate orders on merits and in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order. The third respondent shall also take into account that the grievance of the petitioner remain unheard for the period of eight years.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector (Noon Meal Division), Madurai District, Madurai.
 - 2.The Commissoiner, Kottampatti Panchayat Union, Kottampatti, Madurai District.
 - 3.The P.A. to District Collector, Madurai District, Madurai.
- +1C to M/S.K.MALATHI, ADVOCATE SR.No.67849
+1cc to Special Government Pleader in SR.No.67486.

smn

ORDER MADE IN
W.P(MD)No.21427 of 2016
10.11.2016