



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.11.2016

C O R A M

THE HONOURABLE DR.JUSTICE S.VIMALA

WEB COPY

Writ Petition (MD) No.22607 of 2016

Mukilan

.. Petitioner

Vs.

1.The Secretary cum Managing Director
Tamilnadu Water Supply and Drainage Board,
No 31 Kamarajar Road,
Chepauk,
Chennai 600 005.

2.The Executive Engineer,
Tamilnadu water Supply and Drainage Board,
(Maintenance Division),
Ganesh Nagar.,
Madurai 625 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to provide any suitable post under the compassionate grounds on the basis of the petitioner's qualifications within the time stipulated by this Hon'ble Court.

For Petitioner	... Mr.R.Suresh Kumar
For Respondents	... Mr.K.Muthuramalingam

O R D E R

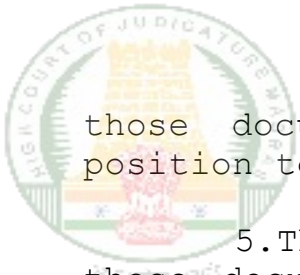
This is a writ of Mandamus seeking direction to the respondents to provide any suitable post under the compassionate grounds on the basis of the petitioner's qualifications.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The respondent by the impugned order dated 04.04.2016, has demanded the documents viz., (i) Income and Expenditure with reference to Gratuity and Family Benefit Fund and (ii) Whether any business or trade can be run by making use of the amount already received and (iii) Whether any application has been submitted seeking appointment for the wife of the deceased and by the subsequent order dated 21.04.2016, the petitioner has been directed to produce an affidavit in a 20 rupees stamp paper getting consent of all other legal heirs stating that the appointment can be given to the petitioner.

<https://hccpcaservicesonline.com>

4.The learned counsel for the respondents submitted that if



those documents are produced, the respondents will be in a position to provide appointment on compassionate ground.

5. The learned counsel for the petitioner would submit that these documents have been already submitted and still they are also prepared to submit those documents once again, if the documents already submitted were lost by the respondents.

6. The respondents should have simply asked for a certificate from the petitioner showing that his family is in penurious circumstances. Instead of doing that, the respondent have asked for the details of expenditure and income that is also with reference to Family Benefit Fund and Gratuity. It is not expected of the respondents to ask for such details as it would amount to the respondents remaining in the position of an Accountant or Auditor. The respondents should not have asked for such details with reference to Gratuity and Family Benefit Fund.

7. The petitioner has assured that he will be submitting the remaining documents to the respondents within a period of one week from the date of receipt of a copy of this order. The petitioner's father died on 01.07.2006 and the application has been submitted on 22.08.2008, but, still the proceedings are pending and no final orders have been passed.

8. Under such circumstances, the respondents are directed to provide appointment on compassionate ground, subject to the educational qualification of the petitioner, within a period of one month from the date of receipt of a copy of this order, subject to the documents being produced by the petitioner.

9. The writ petition is disposed of accordingly. No costs.

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1. The Secretary cum Managing Director,
Tamilnadu Water Supply and Drainage Board, No 31 Kamarajar Road,
Chepauk, Chennai 600 005.

2. The Executive Engineer, Tamilnadu water Supply and Drainage
Board, (Maintenance Division), Ganesh Nagar., Madurai 625 007.

+1CC to M/S.R.Suresh Kumar, Advocate, SR.No. 74075

+1CC to M/S.K.Muthuramalingam, Advocate, SR.No. 74072