IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.205 of 2017
and
C.M.P.No.3334 of 2017

The General Manager,
Chennai Metro Water Supply & Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002. ... Appellant/Respondent

.. Vs ..

N.Devaraj ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent Act, against the order dated 09.07.2015 passed by this Court in W.P.No.20512 of 2015 and petition filed under Article 226 of the Constitution of India praying for the Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in his letter No. Se. Ku. Va/ Pa. Ma. Ni./Ni. Ma.4/49299/2013 dt 19.12.2013 and quash the same and consequently direct the respondents to forthwith appoint the petitioner on compassionate ground in any suitable vacancy according to his qualification

For Appellant : Mr.N.Ramesh

For Respondent : Mr.K.Raja

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JUDGMENT

(Judgment of the Court was delivered by
RMT.TEEKAA RAMAN, J.)

After hearing both the parties at length, the learned counsel appearing for the appellant has stated that the writ petition was disposed of without giving an opportunity to the appellant and hence, the Writ Appeal.

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2. The main contention of the learned counsel appearing for the appellant is that the representation for compassionate appointment has been submitted belatedly by the respondent herein/writ petitioner, who is the son of the deceased and hence, he is not entitled for compassionate appointment.

3. Per contra, the learned counsel appearing for the respondent/writ petitioner has submitted that the respondent's mother, who worked as Field Worker in the Chennai Metro Water Supply and Sewerage Board died, in the accident, which took place on 28.08.1986 within the compound of the Metro Water station, whereby the lorry belonging to the appellant was stated to have crushed her. At that time, the respondent/writ petitioner was only aged about 10 years and on attaining majority, he submitted a representation to the Chennai Metro Water Supply and Sewerage Board on 11.12.1995. After several reminders, the impugned order has been passed by the Chennai Metro Water Supply and Sewerage Board.

4. Learned counsel appearing for the respondent/writ petitioner has drawn the attention of this Court to the order passed by the Madurai Bench of this Court in W.P.(MD) No.5162 of 2012, dated 04.07.2014, wherein, the G.O. prescribing five years period has been held to be null and void.

5. We are satisfied with the reason that immediately after attaining majority, the respondent herein/writ petitioner having made representation, he is entitled for compassionate appointment as laid down in the above decision of the Madurai Bench of this Court in W.P.(MD) No.5162 of 2012, dated 04.07.2014, and we are inclined to agree with the order passed by the learned Single Judge in this regard. We find no merit in the writ appeal and accordingly, the writ appeal is liable to be dismissed.

6. In the result, the Writ Appeal is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

7. The appellant/Chennai Metro Water Supply and Sewerage Board is directed to comply with the order passed by the learned Single Judge with regard to compassionate appointment within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jrl

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To:
The General Manager,
Chennai Metro Water Supply & Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.

+1cc to Mr.N.Ramesh, Advocate sr.67969

+1cc to Mr.K.Raja, Advocate sr.67918

W.A.No.205 of 2017

sj(co)
ss(20/10/2017)

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