

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.492 of 2017

M.Priya

.. Appellant

-vs-

1. The Commissioner
Chennai Corporation
Rippon Building
Park Town
Chennai 600 003
2. The Law Officer
Legal Cell
Chennai Corporation
Rippon Building
Park Town
Chennai 600 003

... Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 02.12.2016 made in W.P.No.6371 of 2014.

W.P.No.6371 of 2014:- Petition filed for a Writ of Certiorarified Mandamus calling for the entire records to the letter dated 20.2.2014 of the 2nd respondent sent to the petitioner in his S.A.G.U Na. Ka. No. C1/Special/2014 and quashing the same and directing the respondents to consider the appointment of the petitioner in Corporation on compassionate ground.

For Appellant :: Mr.P.Chandrasekaran
For Respondents :: Mr.V.Ayyathurai
Additional Advocate General
assisted by Mr.G.Anantharangan

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the appellant and the learned Additional Advocate General for the respondents.

2. According to the appellant/writ petitioner, after the death of her father on 11.4.92, an application for compassionate appointment is shown to have been filed by her mother on 15.12.93 and thereafter, according to the appellant's counsel, another application was filed by the appellant herself on 6.2.2014. As such, the appellant, having been aggrieved by the order passed by the learned single Judge rejecting her request, is before us seeking for issuance of appropriate writ for compassionate appointment.

3. In this regard, a counter affidavit has been filed by the respondents and they have also filed a typed-set of documents containing the copies of the tapal register, Government Order and instructions bearing the seal of the respondent-Corporation. On perusal of the same, we find that no such application had been received by the respondents from the appellant within a period of three years from the date of death of her father. In fact, the seal found in page-5 of the typedset filed by the appellant is not the office seal of the Corporation, as it is only shown to be bogus, and the respondents have also fortified their stand by taking us through the typedset filed by them to show that there is no such entry or receipt of the application with their seal from the appellant/writ petitioner within the stipulated time. When the seal found on the application said to have been submitted by the appellant's mother substantially varies as on the relevant date, as per the records produced by the Corporation, it is held that the appellant has submitted her application only after two decades. In that view of the matter, the order passed by the learned single Judge, rejecting the request of the appellant/writ petitioner on the ground of laches, cannot be faulted. Accordingly, the writ appeal is dismissed. Consequently, C.M.P.No.7390 of 2017 is also dismissed. No costs.

सत्यमेव जयते

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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ss

To

1. The Commissioner
Chennai Corporation
Rippon Building
Park Town
Chennai 600 003

2. The Law Officer
Legal Cell
Chennai Corporation
Rippon Building
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+1cc to M/S.G.Anantharangan, Advocate Sr. 52350

+1cc to M/S.P.Chandrasekaran, Advocate Sr. 52288

W.A.No.492 of 2017

RK(CO)
VR(10/08/2017)



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