

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3529 of 2017

B.Mohan Raj

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.The Thasildar,
Gummidipoondi Taluk Office,
Gummidipoondi.

3.The Block Development Officer,
Gummidipoondi Panchayat Union,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 22.12.2014 for compassionate appointment within stipulated time.

For Petitioner : Mr.S.Muthukumarappa

For Respondents : Mr.P.Senthilvel,
Government Advocate (R1 & R2)

Mr.V.S.Ramesh,
Government Advocate (R3)

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O R D E R

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

2.The petitioner would state that his mother viz., Tmt.Harilakshmi, Wife of Balasundaram, was appointed as Head Cook on 01.07.1982 by the then Headmaster, Panchayat Union

School, Egumadurai Panchayat Elementary School, Gummidipoondi Panchayat Union, Gummidipoondi Taluk, Thiruvallur District and she was continuously discharging her duties without any break. The petitioner would further aver that his mother died in harness on 03.03.2003. He submitted an application/representation dated 25.04.2003 seeking appointment on compassionate grounds and has also stated that he has completed 10th Standard. The said representation was also acknowledged by the respondents. Since no response is forthcoming, he has also submitted a reminder representation dated 22.12.2014 to the respondents and despite receipt and acknowledgment, no orders have been passed and came forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that since the petitioner has submitted the representation for compassionate grounds within a short span from the date of demise of his mother, there cannot be any impediment to the respondents to consider the claim of the petitioner and prays for appropriate orders.

4.Per contra, the learned counsel appearing for the respondents would submit that the petitioner is aged about 43 years and for the past 13 years, he is able to survive and as such, the petitioner is not entitled for appointment on compassionate grounds as a matter of right and prays for dismissal of the Writ Petition.

5.This Court carefully heard the rival submissions and perused the materials placed before it.

6.Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the representations dated 25.04.2003 and 22.12.2014, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The Writ Petition is disposed of accordingly. No costs.

sd/

Assistant Registrar(CS III)

/true copy/

Sub Assistant Registrar

va

To

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.The Thasildar,
Gummidipoondi Taluk Office,
Gummidipoondi.

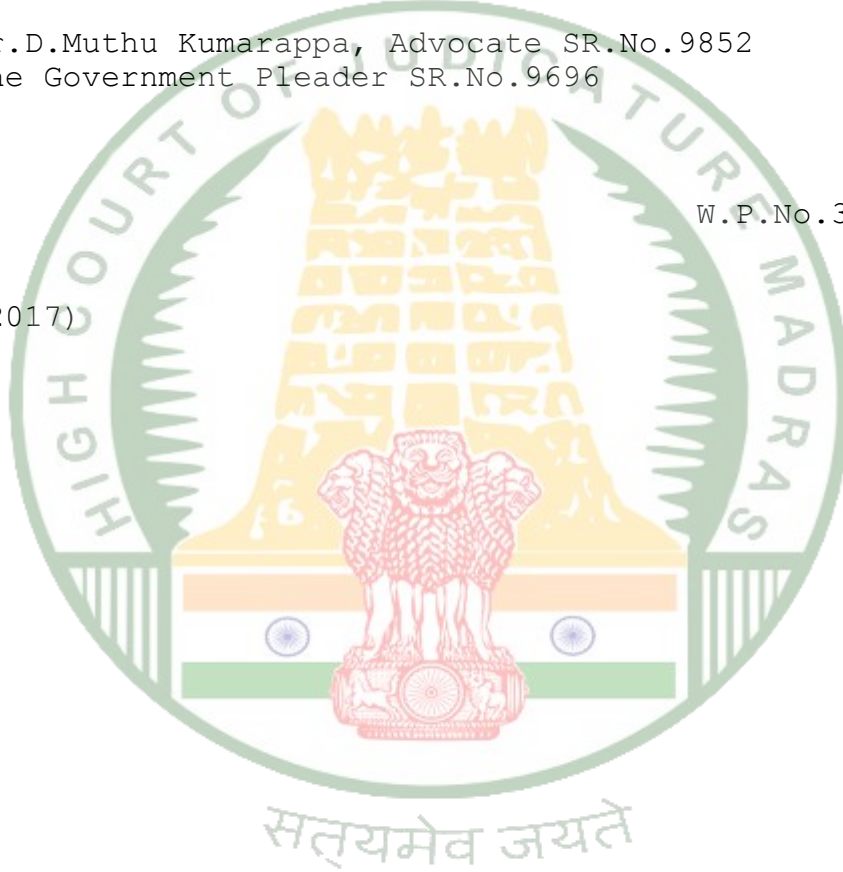
3.The Block Development Officer,
Gummidipoondi Panchayat Union,
Thiruvallur District.

+1cc to Mr.D.Muthu Kumarappa, Advocate SR.No.9852

+1cc to the Government Pleader SR.No.9696

W.P.No.3529 of 2017

GJII (CO)
GN(02/03/2017)



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