

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.3765 of 2017

B. Robert

..Petitioner

Vs

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 600 009
2. The Commissioner of Municipal Adminsitration,
Ezhilagam,
Chepauk,
Chennai - 600 005
3. The Regional Director of Municipalities,
Gandhiji Road,
Thanjavur
4. The Commissioner,
Thanjavur Municipality,
Gandhiji Road,
Thanjavur

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the proposal submitted by the fourth respondent in proceedings Na.Ka.No.4051/2014/C3 dated 12.11.2014 to provide an appointment to the petitioner on compassionate grounds.

For Petitioner : Mr.R. Prem Narayan

For R.1 to R.4 : Mr.Sanjay Gandhi
Additional Government Pleader

For R.4 : Mr.O. Selvam, Government Advocate.

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.O.Selvam, learned Government Advocate accepts notice on behalf of the 4th respondent.

2. The petitioner would aver that his father, namely Balu, was working as a Road Mazdoor (Salai Paniyalar) in the erstwhile Thanjavur Municipality and died in harness on 13.10.2010 and he was appointed in the permanent post of Road Mazdoor on 01.10.1980 and was working as such, till 13.10.2010. It is further averred by the petitioner that the Thanjavur Municipality was upgraded as Thanjavur Corporation on 19.02.2014. It is the categorical stand of the petitioner that on the demise of his father, the petitioner, his mother and his sister are the legal heirs and soon after the demise of his father, his mother submitted an application dated 27.11.2010 to the Commissioner of Thanjavur Municipality requesting him to provide compassionate ground appointment to the petitioner and vide proceedings dated 21.01.2011 and after the processing the application, the 4th respondent has forwarded necessary proposal in Na.Ka.No.4051/2014C3 dated 12.11.2014 to the first respondent through the Mayor of Thanjavur Municipal Corporation as well as through the 2nd respondent, pointing out that the request made by the petitioner for appointment on compassionate ground can be considered and he can be accommodated as enough sanctioned vacancies are available.

2. Learned counsel for the petitioner would submit that though a proposal was sent through proper channel by the 4th respondent as early as on 12.11.2014, so far no orders have been passed and therefore, he is constrained to file the writ petition.

3. Mr.Sanjai Gandhi, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.O.Selvam, learned Government Advocate appearing for the 4th respondent would submit that necessary orders will be passed by the first respondent on the proposal submitted by the 4th respondent as expeditiously as possible.

4. This Court has carefully considered the rival submissions and also perused the material placed before it.

5. A perusal of the proceedings of the 4th respondent dated 12.11.2014 would disclose that a positive recommendation has been made to accommodate the petitioner for employment on compassionate ground and though the said proposal was forwarded

to the 1st respondent as early as on 12.11.2014, for the past two years, no orders have been passed. The 1st respondent being the administrative Head, is expected to bestow his best attention to the proposal submitted by the 4th respondent but so far the said exercise have not been carried out.

6. This Court, taking into consideration, the above facts and circumstances, directs the first respondent to act on the proposal of the 4th respondent dated 12.11.2014 made in Na.Ka.No.4051/2014/C3, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the 4th respondent. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
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2. The Commissioner of Municipal Adminsitration,
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Chennai - 600 005
3. The Regional Director of Municipalities,
Gandhiji Road,
Thanjavur
4. The Commissioner,
Thanjavur Municipality,
Gandhiji Road,
Thanjavur

+1 cc to M/s.R.Prem Narayanan Advocate sr 9853

+1 cc to the Government Pleader sr 10233, 10586

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