



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.681 of 2017

and

C.M.P(MD)No.5361 of 2017

1.The Secretary Cum Managing Director,
TWAD Board, No.31, Kamarajar Road,
Chepauk, Chennai - 5.

2.The Executive Engineer,
TWAD Board,
Maintenance Division,
Ganesh Nagar, Madurai - 625 007. ... Appellants/Respondents

Vs.

Mukilan ... Respondent/Petitioner

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent, pleased to set aside the order dated 29.11.2016 passed in WP(MD)No.22607 of 2016 on the file of this Court.

Prayer in WP(MD). 22607/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents therein to provide any suitable post under the compassionate grounds on the basis of the petitioner qualifications within the time stipulated by this Honble Court.

For Appellants

: Mr.M.Prabhu

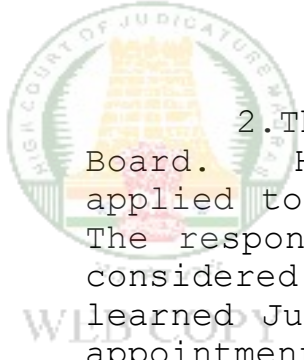
For Respondent

: Mr.A.George Stephen Kanikairaj
for Mr.Sivathilagar

J U D G M E N T

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

Tamil Nadu Water and Drainage Board is on appeal challenging the order dated 29.11.2016 made in WP(MD)No.22607 of 2016 filed by the respondent herein.



2. The father of the respondent herein was working in TWAD Board. He died while on duty on 01.07.2006. The respondent applied to the appellant board seeking compassionate appointment. The respondent is otherwise eligible. But, his request was not considered. Hence, the present writ petition was filed. The learned Judge gave a direction to the appellant Board to provide appointment on compassionate ground subject to educational qualification of the writ petitioner within one month. The appellant Board is aggrieved by the fact that the writ petition was disposed of at the admission stage itself. The appellant Board was not heard before passing the order in the writ petition.

3. Since this is a matter relating to compassionate appointment, we are not inclined to remit the matter to the file of the learned Single Judge. Instead this writ appeal can be disposed of by directing the appellate authority to consider the case of the respondent. The learned counsel appearing for the appellant would submit that the respondent is very much eligible. But that, his case will have to be taken up only on seniority basis and he cannot steal a march over those who have already applied for compassionate appointments. This stand of the appellant is reasonable. Therefore, the order made in WP(MD) No.2260 of 2016 is set aside and this writ appeal is disposed of by directing the appellant Board to consider the case of the respondent for compassionate appointment in accordance with their norms. This writ appeal is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

TO

+1cc to M/S.S.SIVA THILAGAR, Advocate SR.No.72149

+1cc to M/S.POLAX LEGAL SOLUTIONS, Advocate SR.No.72689

Skm / Arul

MAS/KP/SAR2:08.09.2017:2P-3C

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