



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.7277 of 2014

M.Rani

... Petitioner

Vs.

1.State of Tamil Nadu,
Through it's Chief Secretary,
St. George Fort,
Chennai.

2.The Administrative Director of Municipality,
Ezhilagam, Chepauk,
Chennai.

3.The Commissioner,
Kumbakonam Municipality,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorarified Mandamus, call for the records of 3rd respondent relating to Na.Ka.No.11877/1996/H1 dated 13.06.2013 and quash the same and direct the 3rd respondent to give appointment to the petitioner on compassionate ground as Sweeper.

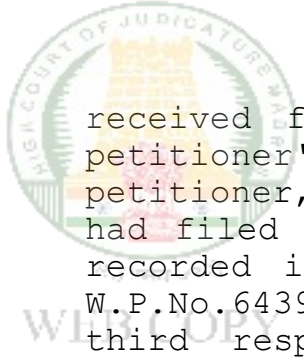
For Petitioner	:Mr.S.Natesh Raja
For R1 and R2	:Mr.N.S.Karthikeyan, Additional Government Pleader
For R3	:Mr.M.Rajaraman

ORDER

This Writ Petition is filed, challenging the proceedings of the third respondent dated 13.06.2013, by which the petitioner's application seeking appointment for compassionate ground was dismissed on the ground that the application, which was filed on 12.09.2013, is beyond the period of three years.

2.The case of the petitioner in the affidavit filed in support of the Writ Petition is that the petitioner's husband was working as "Sweeper" in the third respondent's Municipality and he died on 03.07.1993, while he was in service. Further, it is the specific case of the petitioner that she filed an application for employment on compassionate ground before the third respondent, on 21.06.1996 in a period of three years.

3.As matter of fact, she also referred to the letter



received from the third respondent, dated 21.04.1997, where the petitioner's application, dated 21.06.1996 was acknowledged. The petitioner, herself earlier filed a Writ Petition stating that she had filed an application on 21.06.1996 and the said fact has been recorded in the order dated 18.04.2013, passed by this Court in W.P.No.6439 of 2013. In such circumstances the impugned order of third respondent rejecting the request of the petitioner for appointment on compassionate ground on the ground of limitation, is not sustainable.

4.Considering the fact that the petitioner has filed an application on 21.06.1996, within time and the third respondent has not stated any other ground to reject the petitioner's application and this Writ Petition deserves to be allowed.

5.The impugned order passed by the third respondent, dated 13.06.2013 is set aside and the third respondent is directed to consider the petitioner's application, dated 21.06.1996, and the consequential representations along with the documents after giving an opportunity to the petitioner and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

6. With the above directions, the Writ Petition is allowed.
No Costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.State of Tamil Nadu,
Through it's Chief Secretary,
St. George Fort, Chennai.

2.The Administrative Director of Municipality,
Ezhilagam, Chepauk,
Chennai.

3.The Commissioner,
Kumbakonam Municipality,
Kumbakonam, Thanjavur District.

+1cc to Mr.SPECIAL GOVERNMENT PLEADER in SR. No.59781
+1cc to M/s. M.RAJARAJAN Advocate in SR. No.59620

CMR/GSP
JS/KP/SAR.1/22.6.2017/2P-6C