



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHANW.P.(MD) No.3695 of 2017

WEB COPY

R.Mariammal

... Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secetariat, Chennai - 600 009.

2.The Director of Municipal Administration,
Chennai - 600 005.

3.The Commissioner,
Dindigul Municipal Corporation,
Dindigul.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to consider the Petitioner for appointment to the suitable post in the respondent/Municipality on compassionate grounds.

For Petitioner : M/s.W.Pamelin

For Respondents : Mr.M.Rajarajan
1 and 2 Government Advocate

For Respondent-3 : Mr.J.Lawrance

O R D E R

This Writ Petition has been filed, seeking a direction to the respondents to consider the Petitioner for appointment to the suitable post in the respondent/Municipality on compassionate grounds.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.J.Lawrance, learned counsel takes notice for the third respondent. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner submitted that her mother was employed as ~~Services Officer and In-charge~~ on 28.06.2013 and within a period of three years, the Petitioner made a representation on 16.12.2014 for compassionate appointment along with relevant records. The



Petitioner's case was not considered and ultimately approached this Court by way of W.P.No.15287 of 2015 and this Court by order, dated 2.9.2015 had directed the third respondent to pass appropriate orders on the representation. By reply dated 19.10.2015, the request of the Petitioner was kept in abeyance on the ground that one Prabhu/Subramani has filed a suit with regard to legal heirship certificate and for the relief due to late Santhayee and ultimately by judgement and decree dated 6.2.2016, the request of the plaintiff therein was rejected and the Petitioner once-again made a representation on 15.3.2016. The request was again not considered vide communication dated 7.9.2016. After scrutinizing the documents produced by the Petitioner, the request of the Petitioner would be considered. As there was no response, the Petitioner has made another representation, dated 9.2.2017.

4. When the matter came up for admission, the learned counsel for the respondents 1 and 2 submitted that the representation of the Petitioner dated 9.2.2017 would be considered. This Court has not accepted the submissions made by the learned counsel for the respondents 1 and 2.

5. This Court has already directed the respondents to pass appropriate orders in the earlier Writ Petition filed by the Petitioner and due to the pendency of the civil suit in O.S.No.777 of 2014 employment on compassionate ground was deferred and if the civil suit was ended in the Petitioner's favour and there is no harm in considering the request of the Petitioner, the Petitioner's case would be considered, if the Petitioner is otherwise eligible.

6. The learned counsel for the third respondent would submit that the case of the Petitioner would be considered based on the seniority list maintained for the persons who have already given requisition for appointment on compassionate grounds.

7. In view of the above submission, this Writ Petition is disposed of with a direction to the respondents concerned to consider the request of the Petitioner based on the seniority list maintained for the persons who have already given requisition for compassionate appointment, as per the seriatum. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To:

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secetariat, Chennai - 600 009.

2.The Director of Municipal Administration,
Chennai - 600 005.

3.The Commissioner,
Dindigul Municipal Corporation,
Dindigul.

+1cc to The Special Government Pleader, sr No.12300

+1cc to M/s W.Pamelin, Advocate, SR No.12172

+1cc to M/s J.Lawrance, Advocate, Sr No.12138

W.P.(MD) No.3695 of 2017

02.03.2017

vsn

MS/MR/17.03.2017/3P.7C