



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.11.2016

CORAM:

**THE HONOURABLE Dr.JUSTICE S.VIMALA**

W.P. (MD) No.19422 of 2016

and

W.M.P (MD) No.13998 of 2016

A.Kalimuthu

... Petitioner

Vs.

1.The Secretary to the Government,  
Department of Town Planning and drinking Water Supply,  
Secretariat, St.George Fort,  
Chennai.

2.The Director of Municipal Administration,  
Ezhilagam, Chepauk, Chennai.

3.The Commissioner,  
O/o.the Commissioner,  
Dindigul Corporation,  
Dindigul.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration directing the respondents 2 & 3 to appoint the petitioner as a sweeper in the 3rd respondent Corporation as per the recommendation of the 3rd respondent through his proceedings Na.Ka.No.6720/2014/H2 dated 10.04.2015 for compassionate appointment within a time frame fixed by this Hon'ble Court.

|                |                       |
|----------------|-----------------------|
| For Petitioner | : Mr.A.Rajini         |
| For R1 & R2    | : Mr.Mohamed Mohideen |
| For R3         | : Mr.J.Lawrence       |

### **ORDER**

This is a Writ of mandamus, seeking direction to the Municipal Corporation, Chennai and the Commissioner, Dindigul Corporation, to appoint the petitioner as Sweeper in the third respondent Corporation, as per the recommendation of the third respondent, dated 10.04.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner's father, who was working as a sweeper in the third respondent Corporation for nearly 25 years, died while in service. By the proceedings dated 10.04.2015, the third respondent made recommendation to the second respondent to appoint the petitioner on compassionate ground. In the communication dated



10.04.2015, it is stated by the Commissioner that out of 451 posts of sanitary workers required, only 257 posts have been filled up and remaining 194 posts are kept vacant and therefore, the petitioner must be permitted to fill up the post on compassionate ground.

4.The learned counsel for the petitioner would submit that considering the penurious circumstances, under which, the petitioner is placed, there must be a direction to the second and third respondents to appoint the petitioner as sweeper as quickly as possible and in any event, within a period of two weeks from the date of receipt of a copy of this order.

5.It is agreeable for the learned counsel for the respondents to consider the request of the petitioner and to pass orders.

6.Under such circumstances, the respondents 2 and 3 are directed to consider the representation of the petitioner, in the light of the recommendation made by the third respondent, dated 10.04.2015, and also in tune with G.O.Ms.No.377, dated 31.08.2016, within a period of six weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.is closed.

Sd/  
Assistant Registrar(T & P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary to the Government,  
Department of Town Planning and drinking Water Supply,  
Secretariat, St.George Fort, Chennai.

2.The Director of Municipal Administration,  
Ezhilagam, Chepauk, Chennai.

3.The Commissioner,  
O/o.the Commissioner, Dindigul Corporation, Dindigul.

+1cc to M/s.J.Lawrance, Advocate, in SR No.67997.

+1cc to Special Government Pleader in SR.No.67432.

W.P.(MD)No.19422 of 2016  
09.11.2016

nbj

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