

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5800 of 2018

Tamil Nadu Housing Board
Labour Progressive Union
Reg.No.1953/MDS, LPF Federation No.350
rep.by its General Secretary Poochi S.Murugan
475/11, Anna Salai, Nandanam
Chennai 600 035 .. Petitioner

-vs-

1. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035
2. Government Principal Secretary
Housing Board and Urban Development Department
Secretariat
Chennai 600 009 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the representation dated 29.11.2017 and absorb the applicants whoever applied on compassionate grounds in any suitable post in the first respondent department.

For Petitioner :: Ms.G.Uma Maheswari
For Respondents :: Mr.S.R.Rajagopal
Additional Advocate General
assisted by
Mr.V.Anandhamurthy
Standing Counsel for R1
Mr.V.Kadhirvelu
Special Government Pleader
for R2

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ORDER

This writ petition has been filed by the Tamil Nadu Housing Board Labour Progressive Union represented by its General Secretary seeking a mandamus to the respondents to consider the representation dated 29.11.2017 and to absorb the members of the Union who have applied for compassionate appointment.

2. This Court is unable to answer the prayer in favour of the petitioner Union for the following reasons. Firstly, the affected individual alone who has lost the breadwinner in the family has to establish his/her case that the family is living in indigent circumstances. Secondly, such individual has to establish yet another vital fact whether any other member in the same family is employed or not. These facts could be considered only when the affected individual approaches the respondent-employer. In the present case, no such information has been furnished. Even as a matter of practice, this Court is not inclined to entertain the writ petition, as it is well settled that only the affected individual has to make out his/her case by substantiating the request. Therefore, this writ petition at the instance of the Union is dismissed as not maintainable. Consequently, W.M.P.No.7138 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035

2. The Principal Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

+1cc to Mr.V.ANANDHAMURTHY, Advocate, S.R.No.19589
+1cc to MS.G.UMA MAHESWARI, Advocate, S.R.No. 19476

W.P.No.5800 of 2018

AD(CO)
TR(23/03/2018)