

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.A.No.960/2018 and CMP.No.8161/2018

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.

... Appellant/writ Petition

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.
2. Government Principal Secretary,
Housing Board and Urban Development
Department, Secretariat, Chennai-9.

... Respondents/Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent
against the order dated 15.03.2018 made in W.P.No.5800/2018 by a
learned Single Judge.

WP.No.5800 of 2018

Petition under Article 226 of the Constitution of India,
praying for the issue of a writ of Mandamus Directing the 1st
respondent to consider the representation dated 29.11.2017 and
absorb the applicants whoever applied on compassionate grounds
in any suitable post in the 1st respondent department

For Appellant :: Mr.K.Selvaraj
For Respondents :: Mr.V.Anandhamoorthy for R1
Mr.P.S.Siva Shanmuga Sundaram
Spl. Govt. Pleader for R2

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 15.03.2018 made in W.P.No.5800/2018 by a learned Single Judge.

2. The Writ Petition has been filed by the petitioner therein seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 29.11.2017 and absorb the applicants whoever applied on compassionate grounds in any suitable post in the 1st respondent department. The said Writ Petition was dismissed by the learned Single Judge by order dated 15.3.2018. Aggrieved over the same, the Writ Petitioner is before this Court with this Writ Appeal.

3. Heard the learned Counsel for the appellant and the learned Counsel appearing for the 1st respondent and the learned Special Government Pleader appearing for the 2nd respondent. We have also gone through the order passed by the learned Single Judge.

4. In paragraph 2 of the order made in W.P.No.5800 of 2018, the learned Single Judge has observed as follows:

"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."

5. We find no error or infirmity in the order passed by the learned Single Judge of this Court. As rightly observed by the learned Single Judge in paragraph 2 of his order, the affected individual should establish their case in accordance with law while seeking compassionate grounds appointment and

they cannot file a Writ Petition seeking compassionate ground appointment jointly. Then only the financial status of the affected persons could be ascertained. Therefore, there is no scope for interference of the order of the learned Single Judge at the hands of this Court.

6. In the result, the Writ Appeal fails and the same is accordingly dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.
2. Government Principal Secretary,
Housing Board and Urban Development
Department, Secretariat, Chennai-9.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.39867

+1cc to the Government Pleader, S.R.No.40390

VGII(CO)
GSP(10/07/2018)

WA.No.960 of 2018

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