

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.16529 of 2018

S.Kesavan

...Petitioner

Versus

1. The Commissioner of Municipal
Administration,
Chepauk,
Chennai 600 005
2. The Regional Director of Municipalities,
Salem, Salem District
3. The Commissioner,
Mettur Municipality,
Mettur, Salem District. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the third respondent to send consolidated proposal, relating to the appointment of the petitioner on compassionate ground, as per the proceedings of the first respondent dated 10.08.2017 through the 2nd respondent so as enable the first respondent to consider the petitioner's claim.

For Petitioner : Mr.P.Ganesan

For RR 1 & 2 : Mr.V.Kadhirvelu,
Special Government Pleader

For R3 : Mr.M.Elumalai,
Government Advocate

ORDER

The grievance of the petitioner in the writ petition is that his grandfather's brother, who adopted the petitioner on 03.09.2013, died on 08.02.2014 while working as Sweeper in the third respondent Municipality. He made a representation to the first respondent for compassionate appointment. But his application for compassionate appointment has been refused to be entertained by the first respondent inasmuch as the same has not been given through proper channel, that is through respondent No.2.

2. The learned counsel for the respondents No.1 & 2 submits that the proposal to be initiated by the third respondent.

3. The learned counsel for the third respondent submits that if such application is filed and it is found that the petitioner is legally entitled to compassionate appointment and has a case for compassionate appointment in accordance with law, the same shall be forwarded to the respondent No.2.

4. It is the case of the petitioner that he has already submitted the application. But the respondent No.3 is sitting over the matter.

5. Considering the aforesaid facts and situations, without seeking any response or reply from the respondents, this Court disposes of this writ petition with a direction to the respondent No.3 to examine such application of the petitioner and if he finds that the petitioner prima facie has made out a case for compassionate appointment, to transmit such proposal to the respondent No.2 who in turn shall forward the same to respondent No.1 for the needful. Such decision however must be taken by the third respondent within a period of four weeks from the date of receipt of a copy of this order and the decision thereof be communicated to the petitioner in accordance with law.

6. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005
2. The Regional Director of Municipalities,
Salem, Salem District
3. The Commissioner,
Mettur Municipality,
Mettur, Salem District.

+ 1 cc to M/s. C.S. Associates Advocate Sr.43408

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