

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.25195 of 2012

K.Shanthi

..Petitioner

Vs.

1. The District Collector,
Collector Office,
Coimbatore.

2. The Tahsildar,
Taluk Office,
Dr.Balasundaram Road,
Coimbatore.

3. The Executive Officer,
Perianaicken Palayam Town Panchayat,
Coimbatore.

..Respondents

Petition filed under Article 226 of The Constitution of India praying seeking for issuance of a Mandamus directing the first respondent to consider the petitioner's representation dated 2.10.2009 and pass such further or other orders as it may deem fit and proper in the circumstances of the case.

For Petitioner .. Mr.M.Vijayaragavan
For RR1 & 2 .. Mr.D.Venkatachalam
Addl. Govt. Pleader for R1 & R2
Mrs.K.Bhuyaneswari,
Addl. Govt. Pleader for R3

ORDER

The petitioner has approached this Court seeking the following relief:

''To issue a Mandamus directing the first respondent to consider the petitioner's representation dated 2.10.2009 and pass such further or other orders as it may deem fit and proper in the circumstances of the case.''

2. The petitioner's father was working as a Sweeper in third respondent Office. He died while in service on 02.06.1996. Upon the death of petitioner's father, her mother was appointed on compassionate ground on 21.07.1997, for the same post. Unfortunately, she also died due to her illness on 13.08.2008. The petitioner has passed Eighth Standard and a representation was made to the third respondent, on 17.10.2008, seeking for compassionate appointment. Since there is no response forthcoming from the third respondent, a representation was also sent to the Chief Minister Cell on 29.10.2008. In response to the representation, the petitioner was directed to obtain legal heir-ship certificate from the Tahsildar on 12.01.2009 and the said certificate was obtained and submitted.

3. The learned counsel for the petitioner would submit that on 17.10.2008 itself the representation was made seeking appointment on compassionate ground, however, the representation is still not disposed of. Though the representation was made to the first respondent, according to the petitioner, a copy of the same has been marked to the third respondent. He would urge that the third respondent may be directed to dispose of the representation made by the petitioner within a stipulated time. Since the petitioner is seeking a limited direction to the authority for taking a decision in the matter, the learned counsel for the respondents would have no objection for such direction being issued.

4. In view of the above submission, this Court disposes the present writ petition by directing the third respondent or any other competent authority to dispose of the representation which is said to have been made by the petitioner on 17.10.2008, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to submit a fresh representation setting out the indigent conditions of the family for consideration by the authority. It is also made clear that the authority shall take into consideration the Government Order in G.O.Ms.No.78, dated 21.04.2017, issued in the subject matter and take a sympathetic view while considering the application seeking compassionate appointment.

5. With the above direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Collector Office,
Coimbatore.

2. The Tahsildar,
Taluk Office,
Dr.Balasundaram Road,
Coimbatore.

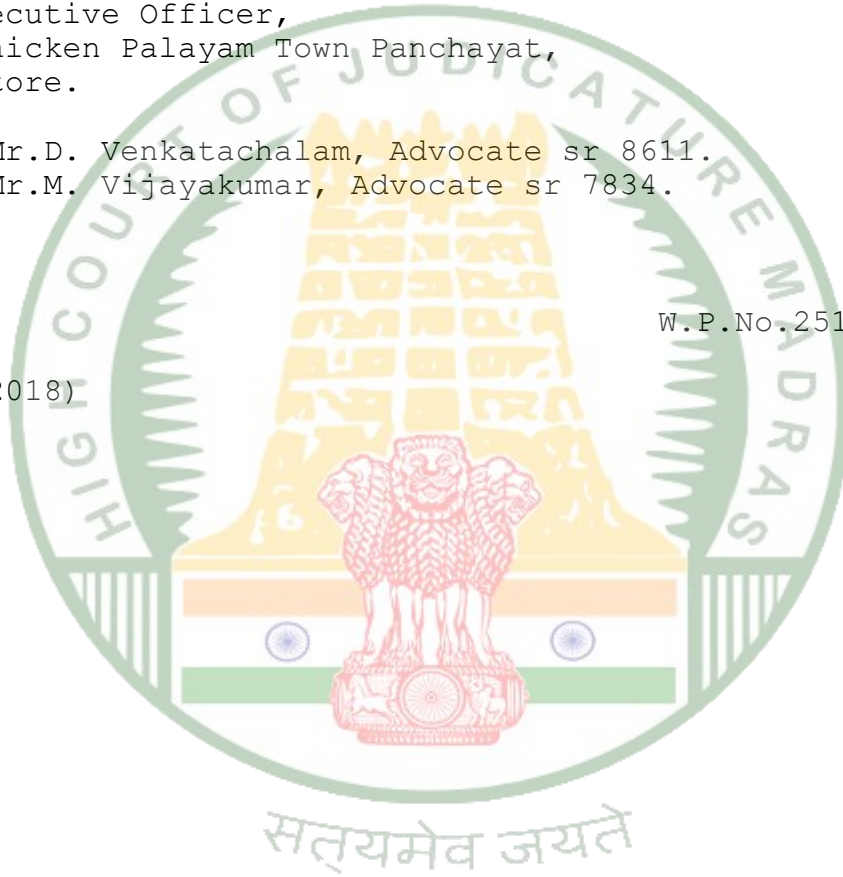
3. The Executive Officer,
Perianaicken Palayam Town Panchayat,
Coimbatore.

+1 CC to Mr.D. Venkatachalam, Advocate sr 8611.

+1 CC to Mr.M. Vijayakumar, Advocate sr 7834.

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SP(22/02/2018)



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