



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 1279 of 2018

V. Muruganandam

.. Petitioner

Vs.

1. The Principal Secretary to the Government,
Department of Municipal Administration
and Drinking Water Supply,
Secretariat,
St. George Fort,
Chennai.
2. The Commissioner,
O/o. the Commissioner,
Palani Municipality,
Dindigul District.
3. The Joint Director (Administration),
O/o. the Commissioner of Municipal Administration,
Chepauk,
Chennai-5.
4. The Commissioner for
Municipal Administration,
Chepauk, Chennai-5.

.. Respondents

(R-3 & R-4 are suo motu impleaded vide
order dated 27.02.2018 in WP(MD)No.1279/2018)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to appoint the petitioner as a Sweeper in the second respondent's Municipality on compassionate ground within a time frame fixed by this Court.

For Petitioner

: Mr. A. Rajini

For Respondent Nos. 1, 3 & 4

: Mr. K. Saravanan

Government Advocate

For Respondent No. 2

: Mr. G. Arjunan



O R D E R

Heard th learned counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The Joint Director (Administration), O/o.the Commissioner of Municipal Administration, Chepauk, Chennai and the Commissioner for Municipal Administration, Chepauk, Chennai are suo motu impleaded as third and fourth respondents. Mr.K.Saravanan, learned Government Advocate takes notice for the impleaded respondents.

4. The petitioner's mother was working as a Sweeper in Palani Municipality for over 15 years. She died on 16.03.2010, while in service. The petitioner gave an application dated 28.03.2012, seeking appointment on compassionate ground. It is not in dispute that the application was given within time. It is also not in dispute that the case of the petitioner was recommended by the Commissioner of Palani Municipality, Dindigul on two occasions. But, the third respondent appears to have rejected the said claim. The Joint Director (Administration), O/o.the Commissioner of Municipal Administration, Chepauk, Chennai by communication dated 27.12.2016 has informed the Commissioner of Palani Municipality that it is not possible to appoint the petitioner on compassionate ground. A look at the said communication dated 27.12.2016, reveals that the petitioner's request has been declined only on the ground that he was above the age of 35 years.

5. It is true that the petitioner is presently aged 42 years. But then the petitioner belongs to Schedule Castes Community. Till the age of 45 years, the petitioner would be eligible. The ground on which the petitioner's case was rejected is patently unsustainable in law. That apart the authority must take note of the fact that the very scheme of appointment on compassionate ground is intended to relieve the family in distress. In this case, it is seen that the petitioner fulfils all the norms for being appointed on compassionate ground. The ground of rejection is erroneous. Therefore, the communication dated 27.12.2016 issued by the third respondent is quashed. The notice dated 01.03.2017, issued by the second respondent is also quashed. The fourth respondent is directed to issue an order, appointing the petitioner on compassionate ground as Sweeper in Palani Municipality. Such an order shall be issued within a period of eight weeks from the date of receipt of a copy of this order.



6. This Writ petition is allowed accordingly. No costs.

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/True Copy/

Sd/-

Assistant Registrar(CSIII)

Sub-Assistant Registrar

To:

- 1.The Principal Secretary to the Government,
Department of Municipal Administration
and Drinking Water Supply,
Secretariat,
St.George Fort,
Chennai.
- 2.The Commissioner,
O/o. the Commissioner,
Palani Municipality,
Dindigul District.
- 3.The Joint Director (Administration),
O/o.the Commissioner of Municipal Administration,
Chepauk,
Chennai.

+1cc to The Special Government Pleader, SR.No.51933

+1cc to Mr.G.Arjunan, Advocate, SR.No.51684

kmi

RL/6C/3P/SV/MMS/SAR2/2/5/2018

ORDER MADE IN
W.P. (MD) No.1279 of 2018
27.02.2018