



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2018

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A.(MD).No.701 of 2018 and
C.M.P.(MD).Nos.4024 and 9319 of 2018

1. The District Collector,
Madurai District, Madurai.
2. The Regional Assistant Director of
Town Panchayats,
Madurai Collectorate Campus,
Madurai, Madurai District.
3. The Executive Officer,
Town Panchayat Office,
Elumalai, Periyur Taluk,
Madurai District.

... Appellants/Respondents

Vs.

V.Selvam

... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, against the order passed by this Court in W.P.(MD).No.12065 of 2017 dated 12.01.2018.

Prayer in WP(MD)No.12065 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his memorandum in Na.Ka.No.25/2017 dated 25.05.2017 and subsequent impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.27012/2017/CL2 dated 08.06.2017 and quash the same as illegal and consequently to direct the 1st respondent to consider the petitioner for appointment on compassionate ground in commensurate with petitioner's educational qualification either as Sweeper or as Watchman in the light of note 6 of the Government Letter (Ms).No.55 Labour & Employment (Q.1) Department, dated 24.05.2016.

For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader

For Respondent : Mr.K.Ponnaiah
for M/s.Ajmal Associates

**JUDGMENT****[Judgment of the Court was made by M.M.SUNDRESH,J.]**

This appeal is preferred against the order of the learned Single Judge, who was pleased to set aside the impugned order by directing the appellants to give appointment to the respondent/writ petitioner on compassionate ground as a Sweeper.

2. On perusal of the impugned order would show that the rejection has been made on the ground that the respondent's brother was appointed earlier as a Sweeper. As rightly held by the learned Single Judge, that alone cannot be a ground to reject the request made. Admittedly the respondent's father was working as an employee, who died in harness. What the respondent seeks that his appointment as a Sweeper has not been rejected on any other ground.

3. In view of the above, we do not find any error in the order of the learned Single Judge. Hence, this Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Madurai District, Madurai.
2. The Regional Assistant Director of Town Panchayats,
Madurai Collectorate Campus,
Madurai, Madurai District.
3. The Executive Officer,
Town Panchayat Office,
Elumalai, Periyur Taluk,
Madurai District.

+ 1 CC TO Mr.K.PONNAIAH FOR AJMAL ASSOCIATES, IN SR No. 92206
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 92575

NS

TE/RSK/SAR-2 : 27/11/2018 : 2P/6C

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