



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.13093 of 2018

A.Ponmalai

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary,
Department of Municipal Administration,
and Water Supply, Secretariat,
Chennai - 600 009.

2.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent No.2 to appoint the petitioner as Sweeper on compassionate ground or any other suitable post on the basis of his educational qualification with the respondent No.2 Corporation with consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.D.Muruganantham, AGP for R1
Mr.R.Murali for R2

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus, to direct the respondent No.2 to appoint the petitioner as Sweeper on compassionate ground or any other suitable post on the basis of his educational qualification with the respondent No.2 Corporation with consequential benefits within the time period stipulated by this Court.

2.Heard Mr.T.Thirumurugan, learned counsel for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the first respondent and Mr.R.Murali, learned standing counsel appearing for the second respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner's father was working at the second respondent



Corporation as a Sanitary Worker and while he was in duty, he died in harness on 21.09.2002. Thereafter, the petitioner's mother had given request/application for compassionate appointment on 13.02.2005 and 12.07.2005. Even though there had been some communications between the second respondent and the petitioner's mother on 08.06.2007, 13.02.2007 and 23.11.2008, the second respondent has not given compassionate appointment to the petitioner's mother. At that time, the petitioner was only 13 years old and subsequently, he became major and he has qualified with 9th standard also and the mother of the petitioner already aged 40 years and she became sick and since the family of the petitioner is suffering a lot without any person to earn to save the family, the petitioner had given a request on 17.04.2018 to the second respondent Corporation to consider his request as a sequel to the request already made by his mother in the year 2005, 2007 and 2008. Therefore, the learned counsel appearing for the petitioner would submit that if the said representation of the petitioner dated 17.04.2018 is directed to be considered by the second respondent on merits and in accordance with law, within a time frame, the petitioner would be satisfied.

4.I have heard the learned standing counsel appearing for the second respondent, who would submit that the said request of the petitioner dated 17.04.2018 would be considered on merits and in accordance with law, within a time frame.

5.Considering the said submissions made by both sides and taking into account the circumstances of the case, this Court is inclined to pass the following order:

"The second respondent is directed to consider the representation of the petitioner dated 17.04.2018 as a sequel to the earlier representations made by his mother in the year 2005, 2007 and 2008 seeking compassionate appointment to the petitioner and consider the same, taking into account the penurious and indigent circumstances of the petitioner and decide the issue objectively by passing a reasoned order, within a period of six weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary,
State of Tamil Nadu
Department of Municipal Administration,
and Water Supply, Secretariat,
Chennai - 600 009.

2.The Commissioner,
Madurai Corporation,
Madurai.

+1cc to M/S.T.Thirumurugan, Advocate SR.No. 69023
+1cc to Special Government Pleader, SR.No. 69139

W.P (MD) No.13093 of 2018
20.06.2018

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JM/SV/SAR 1/18.07.2018/3P/5C