

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.19567 of 2010 and MP No.2 of 2010

S.Marudhamuthu

... Petitioner

Vs

The Commissioner,
Udumalpet Municipality,
Tiruppur District.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent made in proceedings in Na.Ka.N.H1 /1400/06 dated 02.06.2006 and quash the same and consequently, direct the respondent to consider the petitioner for appointment to the post of sweeper or any other available post on compassionate Ground based on the application dated 12.04.2006.

For Petitioner : Mr.N.Umapathi

For Respondents: Ms.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

The instant writ petition has been filed for certiorarified Mandamus calling for the records made in proceedings in Na.Ka.No.H1 /1400/06 dated 02.06.2006, rejecting the application of the petitioner for appointment on compassionate ground and for a further direction to appoint the petitioner as a sweeper on compassionate appointment basis.

2. The petitioner would state that his father was working as a Sweeper in Udumalpet Municipality and he died on 28.06.2002, leaving behind the petitioner, his mother and brother. Since the family of the petitioner was in dire financial difficulty, he approached the respondent to give appointment on compassionate ground in the post of sweeper. He was informed by the respondent that in view of the ban imposed by the Government of Tamil Nadu vide G.O.Ms.No.212 P&AR Department dated 29.11.2001, the petitioner should approach the respondent for appointment only after the ban is lifted.

Thereafter, when the ban was lifted, the petitioner submitted a representation to the respondent on 06.02.2006, seeking for an appointment on compassionate ground. The same was rejected by the respondent on the ground that the application was received only on 12.04.2006. Challenging the said rejection order, this writ petition has been filed.

3. The learned counsel for the petitioner states that the petitioner had given an application on 06.02.2006 and therefore, the impugned order rejecting the application of compassionate appointment on the ground that it is received only on 12.04.2006 was incorrect. The learned counsel appearing for the petitioner relied paragraph No.7 of G.O.Ms.No.42 of Labour and Employment (Q1) Department dated 12.03.2007, wherein it has been clearly held that the Government has extended the period for receiving application for appointment on compassionate ground for three months from the date of issue G.O, considering the ban order on filling up of vacant posts, was in force from 29.11.2001 to 21.12.2006.

4. Admittedly, the impugned order shows that the application for compassionate ground was received on 12.04.2006 and it was well within the time period i.e 29.11.2001 to 21.12.2006 stipulated in the GO Ms.No.42 and therefore, this Court is of the considered view that the order rejecting the application of the petitioner is illegal and the same is hereby set aside. The respondents are directed to consider the application submitted by the petitioner once again and give suitable appointment for the post of sweeper, within a period of three weeks from the date of receipt of copy of this order, if the petitioner is otherwise eligible.

5. Accordingly, this writ petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner,
Udumalpet Municipality,
Tiruppur District.

+1cc to Mr.N.Umapathi, Advocate SR.80059

W.P.No.19567 of 2010

(CO)
CB(08/11/2019)