

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33520 of 2018
and
W.M.P.Nos.38904 & 38908 of 2018

V.Sivagamy

... Petitioner

Vs

- 1 The Director
Directorate of water supply and drainage
Board Chepauk Chennai.
- 2 The Commissioner
Corporation of Salem, Salem 636 001

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari Calling for the records from the Respondents order vide Na.Ka.No.C4/12326/2008 dated 05/09/2015 and quash the same and consequently direct the Respondent to provide suitable employment to the petitioner in Respondents department.

For Petitioners : M/s.P.Saravanan

For Respondents : Mr.A.N.Thambidurai,
Special Govt.Pleader - for R1

Ms.K.Bhuvaneshwari,
Standing Counsel - for R2

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O R D E R

The petitioner's mother Kaveri was working as Sanitary worker in the second respondent corporation and she died on 23.10.2007 while in service.

2. On 05.11.2017, the petitioner submitted an application for appointment on compassionate grounds and after a lapse of five years, the respondents sought for some additional documents

on 19.01.2012, which were also submitted by the petitioner. Thereafter, the petitioner attended interview with necessary documents. After eight years, the claim of the petitioner seeking compassionate appointment has been rejected by the order dated 05.09.2015. Aggrieved by the said order, the present writ petition has been filed.

3. Learned counsel for the petitioner would assail the impugned order dated 05.09.2015 on the ground that for the post of Sweeper, Gardener, Cook and Assistant, no age limit has been prescribed for compassionate appointment and the order rejecting the representation of the petitioner is illegal. Learned counsel relies on the order of this court dated 04.09.2017 passed in W.P.No.245 of 2016, wherein this Court has held that the object of the compassionate appointment scheme is to provide appointment on compassionate ground, if the family is in indigent circumstances.

4. Considering the facts and circumstances of the case, the impugned order dated 05.09.2015 is quashed and the respondents are directed to reconsider the claim of the petitioner in the light of the order of this Court dated 04.09.2017 in W.P.No.245 of 2016, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

kst

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1 The Director
Directorate of water supply and drainage
Board Chepauk Chennai.

2 The Commissioner
Corporation of Salem, Salem 636 001

+1cc to Mr.P.Saravanan, Advocate, S.R.No.653/19

W.P.No.33520 of 2018

kak(07/02/2019)