



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

**WP(MD)No.5583 of 2019 and
WMP(MD) .Nos.4409 and 4410 of 2019**

WEB COPY

S.Murugan

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration & Water Supply,
Secretariat, St. George Fort,
Chennai.

2.The Executive Director,
Municipal Corporations,
Ezhilagam,
Chepauk,
Chennai.

3.The Commissioner,
O/o.The Commissioner,
Dindigul Corporation,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No. 15644/2018/H2, dated 27.12.2018 of the 3rd respondent and quash the same as arbitrary and illegal and direct the respondents to appoint the petitioner as Sweeper in the 3rd respondent's Corporation on compassionate ground within a time frame fixed by this Court.

For Petitioner: Mr.A. Rajini for Ms.M. Viveka
For R1 and R2 : Mr.A. Muthu Karuppan
Additional Government Pleader

For R3 : Mr. J. Lawrence
Standing Counsel

ORDER

This Writ Petition has been filed to quash the impugned order passed by the third respondent in Na.Ka.No. 15644/2018/H2, dated 27.12.2018 and consequently, to direct the respondents to appoint the petitioner as Sweeper in the 3rd respondent's Corporation



on compassionate grounds, within a time frame to be fixed by this Court.

2. According to the petitioner, his father viz., Suruli was working as Sweeper in the third respondent's Corporation for nearly 25 years and died on 16.10.2002, while in service. The petitioner is the legal heir of the deceased Suruli and soon after the death of his deceased father, the petitioner submitted a petition in person on 30.10.2002 for compassionate appointment as well as for getting the service benefits of his deceased father. Since the respondents did not response for appointment, under the compassionate ground, the petitioner made a representation, dated 01.09.2009 to the third respondent. The 3rd respondent passed the impugned rejection order, dated 27.12.2018. Challenging the same, the petitioner has filed the present Writ Petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the reason stated in the rejection order, beyond three years, is totally contrary to the facts. He would further submit that the petitioner has submitted the said representation as early as in the year 2004 and hence, the impugned order passed by the 3rd respondent is illegal and the same is liable to be quashed.

4. The learned Standing Counsel appearing for the respondent Corporation would submit that the third respondent had rejected the petitioner's application, dated 08.05.2009. Challenging the said rejection order the petitioner has filed the Writ Petition before this Court seeking to appoint the petitioner in the future vacancies in Dindigul Municipality. This Court by order dated 05.01.2018 in WMP(MD).No.1151 of 2009, passed a detailed order and rejected the claim of the petitioner and consequently, dismissed the Writ Petition. Without disclosing the said facts, the petitioner has filed the present Writ petition before this Court.

5. According to the petitioner, he made a representation within a period of three years from the date of death of the petitioner's deceased father. The respondents without considering the same, simply rejected the said application on the ground that the application filed by the petitioner is beyond three years.

6. On a perusal of the records as well as the the submission made by the learned Standing Counsel appearing for the respondent / Corporation, it is seen that the petitioner's application was rightly rejected by the erstwhile third respondent. (The third respondent / Municipal Corporation, now, subsequently upgraded as Corporation.) The said order was challenged before this Court and this Court by order, dated 05.01.2018 passed a detailed order relying upon various decisions of this Court and the Hon'ble Supreme Supreme Court.



7. The Writ Petitioner has challenged the rejection order passed by the third respondent rejecting the petitioner's appointment under compassionate grounds and the same was dismissed and thereafter, the petitioner has filed the present Writ Petition before this Court without disclosing the said Writ Petition, in the instant Writ Petition. Further, the third respondent has not rejected on the aforesaid ground, passed the order stating that the said application is beyond three years. Therefore, the third respondent has scrutinized the records and applied his mind and passed an reasoned order. But, however, the third respondent has not chosen to give reasons as stated by the learned Standing Counsel. This Court by taking into the facts of the present case on hand, the petitioner has not disclosed the aforesaid earlier order by this Court in the Writ Petition filed by him and the same has become final, without disclosing the said fact, again approached the authority. Hence, the same is liable to be rejected. However, this Court is inclined to impose heavy cost on the petitioner, by taking into consideration of the plight of the petitioner and accordingly, this Court has imposed only cost of Rs.500/- .

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Trp

To

1.The Secretary to Government,
Municipal Administration & Water Supply,
Secretariat, St. George Fort,
Chennai.

2.The Executive Director,
Municipal Corporations,
Ezhilagam,
Chepauk,
Chennai.



3.The Commissioner,
O/o.The Commissioner,
Dindigul Corporation,
Dindigul.

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+1 CC to MSPL GP (SR-53373[F] dated 12/03/2019)

+1 CC to Mr.J.LAWRANCE, Advocate (SR-78902[F] dated 31/07/2019)

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VB(05.11.2019) 4P 6C