



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.6185 of 2017andW.M.P.(MD).No.4867 of 2017

Maduraiveeran

... Petitioner

vs.

1. The Secretary to the Government,
Department of Town Planning
and Drinking Water Supply,
Secretariat, St. George Fort,
Chennai.

2. The Director of Municipal Administration,
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 to issue a writ of Mandamus directing the 3rd respondent to appoint the petitioner as a sweeper in the 3rd respondent's corporation as per the recommendation of the 3rd respondent through his proceedings Na.Ka.No.6720/2014/H2 dated 10.04.2015 on compassionate ground within a time frame fixed by this Hon'ble Court.

For Petitioner : Ms.M.Viveka for Ms.A.Rajni

For Respondents : Mrs.J.Padmavathy Devi

Special Govt. Pleader for R-1 & R-2

Mr.J.Lawrence for R-3

ORDER

The Writ Petition has been filed seeking a direction to the 3rd respondent to appoint the petitioner as a sweeper in the 3rd respondent's corporation as per the recommendation of the 3rd respondent through his proceedings in Na.Ka.No.6720/2014/H2 dated 10.04.2015 on compassionate ground within a time frame fixed by this Court.



2. Heard the learned Counsel appearing for the petitioner and Mrs.J.Padmavathy Devi, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.J.Lawrence, learned counsel appearing for the third respondent.

3. The case of the petitioner is that seeking compassionate appointment, he made a representation, as per the recommendations of the third respondent vide proceedings, dated 10.04.2015 and the said representation has not been considered. Hence, the petitioner is before this Court.

4.The learned counsel appearing for the third respondent filed a counter affidavit, wherein paragraph No.9 reads as follows:

"It is submitted that the writ petitioner has submitted his application on 22.04.2016 seeking for compassionate appointment. On receipt the said application, it is found that the application is bereft of necessary particulars and hence, this respondent has sent a detailed communication to the writ petitioner vide his proceedings in O.Mu.No.6672/2016/H2, dated 06.04.2017, whereby the writ petitioner has been directed to furnish the following documents: Death Certificate of deceased employee, Legal Heirship Certificate, Application to be submitted in the prescribed format, Educational qualifications of the applicant, Age proof, Community Certificate, Property details of the petitioner's family moveable and immovable - to be signed by Tahsildar concerned, Income certificate, Indigent certificate issued by Tahsildar, No objection Certificate from other Legal heirs, Form No.17 prescribed by the Corporation, Declaration to be signed by the Applicant as per G.O.Ms.No.29, Labour and Employment dated 07.08.1998."

5.The said averments made in the counter affidavit are stoutly refuted by the learned counsel for the petitioner on the ground that periodical directions were properly complied by the petitioner by production of the required documents. Without any rhyme or reason, when the petitioner sends her reminder letters, the authorities directed the petitioner to produce some of the documents which were already filed before them for consideration.

6.The said stand taken by the learned counsel for the petitioner has not been refuted by the learned counsel appearing for the third respondent.

7.In such view of the matter, the respondents are directed to pass appropriate orders, on the basis of the recommendations of the third respondent, with regard to compassionate appointment to the petitioner. Such an exercise shall be completed, after giving an opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.



8. The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government,
Department of Town Planning,
and Drinking Water Supply,
Secretariat, St. George Fort,
Chennai.
2. The Director of Municipal Administration,
Ezhilagam,
Chepauk, Chennai.
3. The Commissioner,
O/o. The Commissioner,
Dindigul Corporation
Dindigul.

+1 CC to MR.J.LAWRANCE, Advocate (SR-50027[F] dated 27/02/2019)
+1 CC to SPL GP (SR-50096[F] dated 27/02/2019)
+1 CC to M/S.A.RAJINI, Advocate (SR-50250[F] dated 27/02/2019)

W.P (MD) No.6185 of 2017
26.02.2019

VS

MK (19.03.2019) 3P 7C