



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD)No.25834 of 2019

WEB COPY
A.Jeyanthi

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Home Department, Secretariat,
Chennai - 9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai - 34.

3.The District Collector,
Kanyakumari District at Nagercoil.

4.The Deputy Commissioner / Executive Officer,
Incorporated and Un-Incorporated Devaswoms,
Suchindram Thanmulmalayan Koil,
Suchindram, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to consider and pass final orders on the representation of the petitioner dated 03.10.2019 and consequently direct the 4th respondent herein to implement the order already passed by this Court in W.P.(MD)No.7478 of 2008, dated 12.11.2018 to pass the order afresh and provide the employment to the petitioner.

For Petitioner : Mr.S.Ramasamy
For R-1 & R-3 : Mr.R.Sethuraman
Special Government Pleader
For R-2 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R-4 : Mr.K.Sathiyasingh

ORDER

The petitioner herein, who is the daughter of the deceased Ayyappan, who was employed as Watchman in the fourth respondent Temple, had sought for appointment under the respondents on compassionate ground. The petitioner's father had died on 17.01.1996, when he was under the service of the fourth respondent herein. The petitioner herein had given an application, which earlier came to be rejected on 13.06.2007. Thereafter, the petitioner herein had filed a writ petition before this Court in



W.P. (MD) No.7478 of 2008 and by order dated 12.11.2008, this Court had observed as follows:

'The petitioner's father was employed as a watch man in a temple coming under the fourth respondent Devaswoms. He passed away on 17.01.1996 after putting service for about 30 years. The petitioner herein wanted appointment on compassionate grounds. The fourth respondent was willing to accept the petitioner only in the miscellaneous section. But then the petitioner was not express his willing to accept the said offer. Therefore, her request for appointment on compassionate ground was rejected on 13.06.2007. The same is questioned in this writ petition.

2. In the affidavit filed in support of the writ petition, the petitioner has stated that she is willing to work in any post or capacity arrived by the 4th respondent. Therefore, recording this undertaking given by the petitioner while sustaining the order impugned in the writ petition, the 4th respondent is directed to pass orders afresh taking note of the willingness expressed by the writ petitioner to work in any post or in any capacity. Such an order shall be passed within a period of six weeks from the date of receipt of a copy of this order.'

In the light of the above observations, the petitioner herein had also made further representations on 18.06.2019 and 03.10.2019, which were not considered by the respondents herein and therefore, the present writ petition has been filed.

2. When the petitioner had earlier approached this Court, this Court had recorded the submissions of the fourth respondent herein that they were willing to accept the petitioner for appointment on compassionate ground in Miscellaneous Section and the petitioner herein has also agreed to the same. These statements were recorded and accordingly, the petitioner had made further representations.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.



4. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 03.10.2019, in the light of the observations made above as well as the submissions of the fourth respondent, which came to be recorded by this Court in the earlier order dated 12.11.2018 in W.P.(MD)No.7478 of 2008. The respondents herein shall pass necessary orders atleast within a period of eight (8) weeks from the date of receipt of a copy of this order. Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Secretary to Government,
Home Department, Secretariat,
Chennai - 9.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai - 34.
- 3.The District Collector,
Kanyakumari District at Nagercoil.

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-105359[F] dated 17/12/2019)

Order made in
W.P. (MD) No.25834 of 2019
16.12.2019

VB(13.01.2020) 3P 5C