

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.39535 of 2005

T.Pencilaiah

.. Petitioner

-vs-

1.The Commissioner,
Chennai Corporation,
Chennai.

2.Divisional Officer,
Division No.8,
Chennai Corporation,
No.64, N.S.K.Salai,
Kodambakkam,
Chennai-24.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the name of the petitioner for the post of Sanitary Worker on compassionate grounds.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Ms.Karthika Ashok,
Standing Counsel

ORDER

The petitioner has come to this Court seeking a direction to the respondents to consider his name for the post of Sanitary Worker on compassionate grounds.

2.Learned counsel appearing for the petitioner would submit that the petitioner's mother late Mrs.T.Silagakondama worked as Sanitary Worker in the respondent Corporation, Division 114, Ward 22, Region 8 and served for more than 20 years and died in harness on 31.07.1994. Due to her sudden demise, the petitioner's family has no other source of income to support his family. Since the petitioner has studied upto VII std., he is

eligible for the post of Sanitary Worker. Therefore, he made a representation dated 28.07.1995 to the respondents requesting to provide appointment on compassionate ground. As there was no response from the respondents, the petitioner is before this Court.

3.Counter affidavit has been filed by the second respondent stating that though the petitioner's application dated 08.01.2008 was belatedly submitted, it was taken on file and sent to the Tahsildar for enquiry and report. The Tahsildhar, Mylapore Triplicane Taluk has enquired and filed a report dated 15.09.2009 stating that the petitioner's brothers namely, Mr.T.Ravi and Mr.Angiah are working in the Greater Chennai Corporation as Sanitary Workers and that the petitioner is having own house. It is further stated in the counter affidavit that the Government Order restricts the consideration of appointment on compassionate ground for the member of the family in which any one of the members under Government Service and that the compassionate appointments are strictly based on the scheme provided by the State and accordingly, the indigence of the applicant has to be established in order to apply and obtain an appointment under the compassionate ground.

4.A perusal of the counter affidavit filed by the second respondent shows that since the petitioner's family has not proved to be in indigent condition so as to provide or consider his appointment on compassionate ground, the petitioner's application has not been considered. When the Government Order restricts the consideration of appointment on compassionate ground for the member of the family in which any one of the members under Government Service and that the compassionate appointments are strictly based on the scheme provided by the State and moreover the petitioner's brothers have already been working under Government Service, no case is made out by the petitioner for appointment on compassionate ground. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vga

To

1.The Commissioner,
Chennai Corporation,
Chennai.

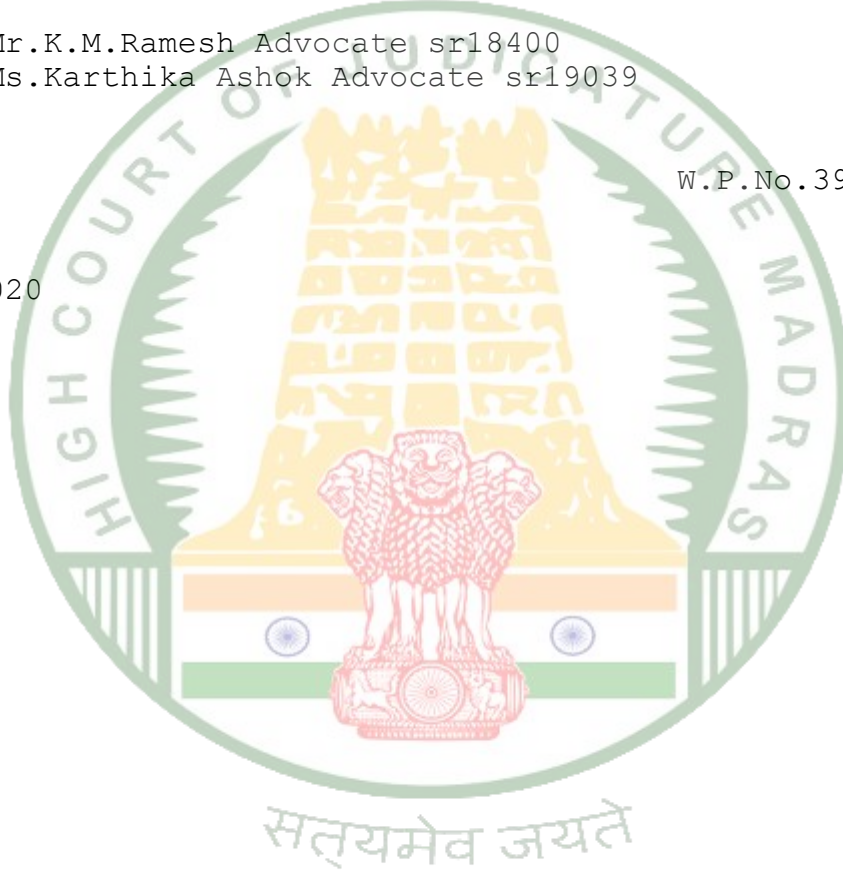
2.The Divisional Officer,
Division No.8,
Chennai Corporation,
No.64, N.S.K.Salai,
Kodambakkam,
Chennai-24.

+1 cc to Mr.K.M.Ramesh Advocate sr18400

+1 cc to Ms.Karthika Ashok Advocate sr19039

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