



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **23.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1338 of 2020

WEB COPY

K.Udayakumar

... Petitioner

/vs./

- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Annasalai,
Chennai-600 002.
- 2.The Chief Engineer (Personnel),
TANGEDCO,
8th Floor, Eastern Wing,
NPKRR Maaligai,
144, Annasalai, Chennai-2.
- 3.The Superintending Engineer,
Trichy Tamil Nadu Electricity Board,
Distribution Division,
Trichy Corporation,
Trichy-20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents herein to appoint the petitioner to the post of Assistant on the basis of compassionate basis in the light of his representation dated 13.08.2019.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Mr.T.Sakthikumaran
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents herein to appoint the petitioner to the post of Assistant on the basis of compassionate appointment, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.



3. The petitioner would submit that he has already made representation on 13.08.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. 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.

5. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 13.08.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the second respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

+1 CC to Mr.S.SARVAGAN PRABHU, Advocate (SR-2741[F] dated 24/01/2020)

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-2879[F] dated 24/01/2020)

Order made in
W.P.(MD)No.1338 of 2020
Dated:23.01.2020

MK (06.02.2020) 2P 3C