



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2020**

CORAM:

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

W.P. (MD) No. 1979 of 2020

WEB COPY

P.Sammanasu Mary

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep. by its Secretary to Home Affairs,
Fort St., George,
Chennai.

2.The District Collector,
Tiruchirappalli District,
Pudukottai.

3.The Director General of Police,
Chennai-600 004.

4.The Superintendent
Office of the Commandant
Tamil Nadu Special Police-I Battallion,
Trichy.

5.The Commandant,
Tamil Nadu Special Police-I Battallion,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider petitioner for any suitable post on compassionate ground appointment as if petitioner's husband died in harness in the light of the order passed by this Court in W.P. (MD) No. 3071 of 2004, dated 01.10.2007 for the vacancies existing either with 2nd respondent or with other respondents, without any further delay considering the petitioner's family situation/age on the basis of petitioner's representations dated 23.05.2018 and 17.10.2019.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : Mr.R.Sethuraman
Special Government Pleader



ORDER

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

2. The limited prayer sought for by the petitioner is that to consider the representations dated 23.05.2018 and 17.10.2019 seeking for any suitable post on compassionate ground appointment as if the petitioner's husband died in harness in the light of the order passed by this Court in W.P.(MD)No.3071 of 2004, dated 01.10.2007.

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 merit 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 representations within the stipulated time.

4. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 23.05.2018 and 17.10.2019 and in the light of the order passed by this Court in W.P.(MD)No.3071 of 2004, dated 01.10.2007, on its own merits and pass appropriate orders within a period of twelve (12) 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 her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj



To

1. The Secretary to Home Affairs,
State of Tamil Nadu,
Fort St., George,
Chennai.
2. The District Collector,
Tiruchirappalli District,
Pudukottai.
3. The Director General of Police,
Chennai-600 004.
4. The Superintendent
Office of the Commandant
Tamil Nadu Special Police-I Battallion,
Trichy.
5. The Commandant,
Tamil Nadu Special Police-I Battallion,
Trichy.

+1 CC to M/s.M.SATHIAMOORTHY, Advocate (SR-4290[F] dated
31/01/2020)

+1 CC to M/s.SPL.GP (SR-4406[F] dated 03/02/2020)

Order made in
W.P. (MD) No. 1979 of 2020
Dated: 31.01.2020

KG(CO)
TR(19.02.2020) 3P 8C