



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.02.2020**

CORAM:

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

W.P. (MD) No.3765 of 2020

WEB COPY

M.Kanagavalli

... Petitioner

/vs./

1.The Director,

O/o., The Directorate of Adi Diravidar Welfare,
Chepauk, Chennai 600 005.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The District Adi Diravidar and Tribal Welfare Officer,
Collectorate Complex,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to provide compassionate ground appointment to the petitioner for her father death while he was on service as watchman of the third respondent Girls Hostel at Sattur, Virudhunagar District by considering the proposal Na.Ka.No.D2/18510/2014, dated 06.11.2017 sent by the third respondent.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.M.Karuppasamy
Government Advocate

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 first respondent to provide compassionate ground appointment to the petitioner for her father death while he was on service as Watchman of the third respondent Girls Hostel at



Sattur, Virudhunagar District, in my view, such a decision is to be taken by the first respondent 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 she has already made representation on 07.02.2017 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 first respondent herein to consider the petitioner's representation, dated 07.02.2017 based on the proposal sent by the third respondent to the first respondent dated 06.11.2017, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Director,
O/o., The Directorate of Adi Diravidar Welfare,
Chepauk, Chennai 600 005.

2.The District Collector,
Virudhunagar District,

<https://hcservices.ecourts.gov.in/hcservices/>



3.The District Adi Diravidar and Tribal Welfare Officer,
Collectorate Complex,
Virudhunagar,
Virudhunagar District.

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+1 CC to M/s.SPL.GP (SR-8394[F] dated 26/02/2020)

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-8489[F] dated 26/02/2020)

W.P.(MD)No.3765 of 2020
25.02.2020

rmk

KK/16.03.2020/ 3P- 6C