



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13294 of 2020

(Through Video Conferencing)

WEB COPY

M.Prem Kanna

... Petitioner

Vs.

The Commissioner,
Office of Corporation Thanjavur,
Thanjavur District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 07.09.2015 and to give employment to him on compassionate ground.

For Petitioner

:Mr.A.Ramesh

For Respondents

:Mr.N.Dilip Kumar, Standing Counsel

ORDER

The prayer sought for in this writ petition is for a writ of mandamus, to direct the respondent to consider the petitioner's representation dated 07.09.2015 and to give employment to him on compassionate ground.

2.The petitioner's mother one P.Usha Devi was working as Multi Purpose Health Worker at the respondent Municipal Corporation and she died suddenly on 21.11.2009 during service. At that time, the petitioner was minor and it seems that, thereafter, the husband of the deceased i.e., the father of the petitioner had gone for a second marriage and separately, he is living without taking care of the petitioner according to the petitioner, after great difficulty, the petitioner has completed B.E. Degree now.

3.In the meanwhile, after he attained majority sometime in the year 2015, he made an application to the respondent Municipality/Corporation on 07.09.2015, seeking compassionate appointment and in the said application, relevant documents seems to have also been annexed. Since the said request has not been considered so far either way, the petitioner has moved this Court with the aforesaid prayer.

4.Heard the learned standing counsel appearing for the respondent, who would submit that, admittedly, the petitioner has made application after several years of the death of the employee,



who is the mother of the petitioner, i.e. after six years. Therefore, whether the said application can be considered at this juncture or not can be decided by the respondent as per the extant rules and accordingly, the petitioner's application would be decided on merits.

WEB COPY

5.The learned standing counsel appearing for the respondent would also submit that, since the application stated to have been made on 07.09.2015, of course, for which, the postal receipt has been filed in the typed set of papers, in order to look out the application immediately, copy of the same may be annexed along with this order and on receipt, the needful would be done by considering the said application on merits within a time frame that may be stipulated by this Court, he contended.

6.Having heard the learned counsel appearing for both sides, especially, the standing counsel appearing for the respondent Corporation and with regard to the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

"The respondents Corporation shall consider the application of the petitioner dated 07.09.2015 seeking compassionate appointment on merits and in accordance with law and pass necessary orders to that effect within a period of eight weeks from the date of receipt of a copy of this order. The petitioner along with the copy of this order shall forward the copy of application dated 07.09.2015 along with relevant documents also once again for the immediate action on the part of the respondent as indicated above.

7.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



To

The Commissioner,
Office of Corporation Thanjavur,
Thanjavur District.

+1 CC to Mr.N. DILIPKUMAR, Advocate (SR-18854[F] dated 01/10/2020)

W.P. (MD) No.13294 of 2020
01.10.2020

VB (13.10.2020) 3P 3C