

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27694 of 2015

And

M.P.No.1 of 2015

M.Saravana Kumar

... Petitioner

Vs.

1.The Corporation of Chennai
Rep by its Commissioner,
Rippon Building,
Chennai – 600 003.

2.The Deputy Commissioner
Public Department
Corporation of Chennai
Rippon Building,
Chennai – 600 003.

3.Zonal Officer,
Zone X, Unit – 29,
Corporation of Chennai
Kodapakkam,
Chennai – 600 024.

4.The Assistant Engineer,
Zone X, Unit – 29,
Corporation of Chennai
Kodapakkam,
Chennai – 600 024.

5.The Secretary to Government
Municipal Administration
Water Supply Department
Fort St.George,
Chennai – 600 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus call for the records and quash the impugned order Pho.Thu.Na.Ka.No.E10/27187/Pa.Mu./2015 dated 09.07.2015 issued by the second respondent and consequently direct the respondents to appoint the petitioner on compassionate ground basis.

For Petitioner : M/s.N.Beulah John Selvaraj

For Respondents : Mr.A.Sundaravadanam for R1, R3 & R4
Mr.S.Thangavel for R2 & R5
Special Government Pleader

सततं न्यायते
ORDER

The petitioner has filed this writ petition seeking to quash the order dated 09.07.2015 passed by the second respondent and to direct the respondents to appoint him on compassionate grounds.

2.The learned counsel appearing for the petitioner submitted

that the petitioner's father worked as Road Thozhilali in Zone X, Unit – 29, Division – 130 under the Corporation of Chennai and died on 20.08.2010 while he was in service. The petitioner's mother died on 08.08.2007 prior to his father's death. The petitioner has not attained the age of majority at the time of his death, however, applied for employment on compassionate grounds without date. Thereafter, after attaining the age of majority, he again made representation dated 28.07.2014 to the respondents seeking employment on compassionate grounds, however, the impugned order has been passed rejecting the claim of the petitioner, wherein, it is stated that the petitioner has made representation only on 11.05.2015.

3.The learned counsel appearing for the respondents 1 , 3 and 4 submitted that the petitioner has not completed 18 years within the period of three years from the date of death of his father. Hence, the respondents are not in a position to give him appointment on compassionate grounds.

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4.Admittedly, the petitioner has not attained the age of majority at the time of his father's death. However, he made representation seeking employment on compassionate grounds to the respondents on

28.07.2014, whereas, in the impugned order it is stated that the petitioner has made representation only on 11.05.2015. Hence, the impugned order dated 09.07.2015 is set aside and the matter is remitted back to the respondents for passing appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

26.03.2021

सत्यमेव जयते
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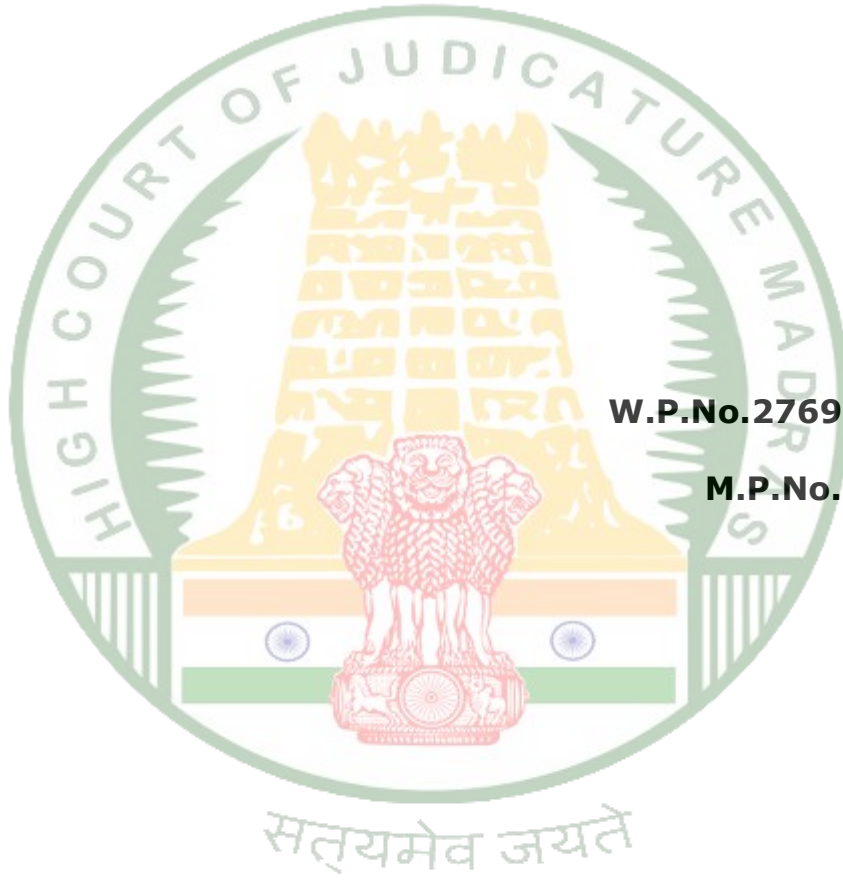
To

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