



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18771 of 2016

G.Logaratchagan

...Petitioner

Vs

The General Manager,
Viluppuram-Cuddalore,
District Co-Op Milk Producers Union Ltd.,
TND 495, Villupuram,
Villupuram District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to give appointment to the petitioner on compassionate grounds consequent on the death of the father, Thiru.K.Gunasekaran, on 22.07.2010 while in service as Factory Assistant (240) in the respondent union.

For Petitioner : Mr.J.Muthukumaran

For Respondent : Mr.K.N.Pandian

ORDER

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

2. The petitioner's father, namely late Thiru.K.Gunasekaran, who was employed as a Factory Assistant in the respondent Co-operative Milk Producers Union, had died on 22.07.2010. The petitioner herein is the son of late Thiru.K.Gunasekaran. It is claimed by the petitioner that, pursuant to the death of his father, his mother had given representations on 22.09.2010 and 10.06.2013, seeking appointment on compassionate grounds. Subsequently, the petitioner herein also claims to have given a representation seeking compassionate appointment on 10.11.2015. Since the representations of the petitioner's mother were not considered, the present writ petition has been filed.



WEB COPY

3. The learned Standing Counsel for the respondent would submit that the representations claimed to have been given by the petitioner's mother and the petitioner were not received by them at any point of time.

4. The learned counsel for the petitioner submits that the petitioner's mother was illiterate and therefore, did not have a record of the receipt of having given the representation.

5. The statement that the respondents have not received the representations of the petitioner's mother and the petitioner is affirmed through the counter affidavit filed by the General Manager, Co-Op Milk Producers Union Ltd., on 02.07.2021. These disputed facts cannot be gone into in a writ petition by the High Court exercising its power under Article 226 of the Constitution of India, which is a Court of record. When the respondents have filed counter affidavit denying the receipt of any application seeking for compassionate appointment, there is a duty cast on the petitioner to establish that they had given representations either through petitioner's mother or by himself. In the absence of the same, I do not find any reason to disbelieve the statement made in the counter affidavit and hence, the prayer sought for by the petitioner does not deserve consideration.

6. Accordingly, the present writ petition stands dismissed.
No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbn
To

The General Manager,
Viluppuram-Cuddalore,
District Co-Op Milk Producers Union Ltd.,
TND 495, Villupuram,
Villupuram District.

+1cc to Mr.J.Muthukumaran, Advocate Sr.32713
+1cc to Mr.K.N.Pandian, Advocate Sr.33166

W.P.No.18771 of 2016

pch[co]
srg 06/08/2021