



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8458 of 2021

M.Jamuna

... Petitioner

-vs-

The State represented by

1. The Secretary and Managing Director,
Tamilnadu Water Supply and Drainage Board,
Head Office, Chepauk,
Chennai - 600 005.

2. The Commissioner,
Salem Corporation,
Thongum Ponga Valagam,
Maraneri, Salem.

3. The Superintending Engineer,
Tamilnadu Water Supply and
Drainage Board,
Salem District.

4. The Executive Engineer,
Tamilnadu Water Supply and
Drainage Board,
Maintenance Zone,
Salem District - 636 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to consider the representation dated 13.09.2017 and consecutively directing the respondents to consider the petitioner for appointment on Compassionate Ground in any suitable job under the Died-in-Harness category.

For Petitioner : Ms.S.Lakshmi

For Respondents : Mr.J.Pothiraj, (for R1)
Special Government Pleader
Mrs.K.Bhuvaneswari, (for R2)
Standing Counsel



O R D E R

This Writ petition is filed, seeking a direction to the respondent to consider the representation dated 13.09.2017 and consecutively directing the respondents to consider the petitioner for appointment on Compassionate Ground in any suitable job under the Died-in-Harness category.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for R1 and Mrs.K.Bhuvaneswari, learned Standing Counsel takes notice for R2. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The case of the petitioner is that the petitioner who is the daughter of the deceased employee of the respondent Board, who died on 14.01.2015 while in service, seeks compassionate appointment. In this connection, she made representation on 13.09.2017. As there is no response on the representation, the petitioner is before this Court by filing the present Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 13.09.2017, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated



13.09.2017 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary and Managing Director,
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PCH(CO)
HS(26/07/2021)