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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3751 of 2015
And
M.P.Nos.1 and 2 of 2015

D.Ravindran ...Petitioner

Vs.

1. Government of Tamilnadu
   Rep. by its Principal Secretary to Government,
   Municipal Administration and Water Supply Department,
   Fort St.George,
   Secretariat,
   Chennai – 600 009.

2. The Chairman cum Managing Director,
   Tamil Nadu Water Supply and Sewage Board, (TWAD)
   Chepauk,
   Chennai – 600 005.

3. The Superintending Engineer,
   Tamil Nadu Water Supply and Sewage Board, (TWAD),
   Dharmapuri – Krishnagiri Division,
   Dharmapuri.

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus call for the records of impugned order made in letter No.51261/Pa.Ni.Pi/A3 for 2009 dated 30.05.2013 passed by the second respondent and quash the same, consequently direct the respondent to appoint the petitioner under compassionate ground in any suitable post in the third respondent division in order to protect his family livelihood forthwith.

For Petitioner: Mr.M.R.Jothimanian
For Respondents:Mr.J.Ramesh for R1
Additional Government Pleader
Mrs.S.Thamizharasi for R2 and R3

O R D E R

The petitioner has filed this writ petition seeking to quash the order dated 30.05.2013 passed by the second respondent and

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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 Watchman in the Dharmapuri Division of the third respondent and died on 16.01.1999 while he was in service. Thereafter the petitioner's mother made representation to the respondents seeking employment on compassionate grounds to the petitioner's elder brother and the same was considered by the respondents and his name was placed in serial no.177, unfortunately, he died on 24.03.2011 and no appointment was made in favour of him. Thereafter the petitioner's mother made representation to the respondents seeking employment on compassionate grounds to the petitioner instead of her elder son and the same was considered by the third respondent and the third respondent also recommended to the second respondent on 11.01.2013, however, the second respondent has passed the impugned order.

3.The learned counsel appearing for the respondents 2 and 3 submitted that there is no Rule to consider alternate legal heir for compassionate ground appointment.

4. The case of the petitioner is peculiar. Such peculiar circumstances has to be considered prospectively. It is to be noted that the respondents did not provide employment to the elder brother, who died subsequently and the petitioner's application was also not considered despite the recommendation of the third respondent. Hence, the impugned order dated 30.05.2013 is set aside and the matter is remitted back to the respondents for passing appropriate orders on the representation seeking appointment on compassionate grounds. Such exercise shall be completed 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 petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
   Municipal Administration and Water Supply Department,
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   Secretariat,
   Chennai - 600 009.

2. The Chairman cum Managing Director,
   Tamil Nadu Water Supply and Sewage Board, (TWAD)
   Chepauk,
   Chennai - 600 005.

3. The Superintending Engineer,
   Tamil Nadu Water Supply and Sewage Board, (TWAD),
   Dharmapuri - Krishnagiri Division,
   Dharmapuri.

+1 CC to The Government Pleader sr 20169
+1 CC to Mrs.S.Thamizharasi , Advocate sr 19998.

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And
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SSD(CO)
SP(09/07/2021)

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