



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.07.2021

CORAM :

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.14771 of 2021

S. Hariharan

...

Petitioner

Vs

The Chief Engineer,
PWD - Central Building
Public Works Department
Puducherry - 6005 001

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other form of writ, order or direction in the nature of a writ, directing the respondent to decide the application tendered by the petitioner for his appointment on compassionate grounds, on their own merits as expeditiously as possible or within the time frame fixed.

For Petitioner : Mr. D. Murugan
For Respondent : Mr. C. Kathiravan,
Government Advocate

ORDER

This writ petition is filed for issuing a direction to the respondent to give appointment to the petitioner on compassionate grounds.

2. It is stated that the petitioner's father was working as an Assistant in the Public Works Department, Architect Wing, Puducherry, and he died due to heart attack while in service, on 18.12.2014. The petitioner claims to be the son of the deceased and he submitted an application on 24.02.2015, before the respondent, for getting employment on compassionate ground. The petitioner has also produced before this Court, a judgment and decree of learned District Munsif Court, Puducherry, dated 18.01.2016, by which the petitioner, his mother and sister were declared as the legal heirs of the deceased.



3. Though this Court would normally pass an order directing the respondent to consider the petitioner's representation on the basis of the civil court's decree, this Court is of the view that the petitioner's application has to be considered after due inquiry as to the status of the petitioner as a legal heir of the deceased Government employee and about the facts stated in the representation of the petitioner seeking compassionate appointment. The suit filed by the petitioner and others was against an individual who is not a rival claimant. The object of filing the suit against a stranger is not disclosed in the affidavit filed in support of the writ petition. This Court entertains a bona fide doubt as to the genuineness and the manner in which the suit came to be filed and decree obtained. However, this Court has no positive material to reject the claim as such of the petitioner.

4. Therefore, without expressing any opinion on the merits of the petitioner's representation or the case projected before this Court by the petitioner, the respondent is directed to consider the representation of the petitioner dated 31.07.2016, on merits and in accordance with law, after holding a proper inquiry as to the status of the petitioner, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of on the above lines. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrn

To

The Chief Engineer,
PWD - Central Building
Public Works Department
Puducherry - 6005 001.

+1cc to Mr.D.Murugan, Advocate, S.R.No.34374

W.P.No.14771 of 2021

UM(CO)
CB(11/08/2021)