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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.15143/2021

[Video Conferencing]

M.Balaji .. Petitioner

Vs

1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003.

2.The Zonal Officer
Zone No.5, Greater Chennai Corporation
Basin Bridge, Chennai 600 021.

3.The Assistant Executive Engineer
Zone-5, Unit-14, Ward-58
Greater Chennai Corporation
No.2, Aadikesavalur Street
Chindadripet, Chennai-600 002. .. Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to consider the petitioner's application dated 24.10.2019 seeking for appointment on compassionate ground in the Greater Chennai Corporation.

For Petitioner : Mr.C.Kanagaraj

For R1 to R3 : Mr.M.Ganesan
Standing counsel

ORDER

1. By consent, the writ petition is taken up for final disposal and disposed of by this order.
2. Mr.M.Ganesan, learned Standing counsel accepts notice on behalf of the respondents.
3. The case of the petitioner is that his mother Tmt.Ankamma, who was serving as a Sweeper in the respondent/Corporation for 20 years, died while in service on 11.09.2019, leaving behind the petitioner,



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his father, elder sister and brother. After the death of his mother, the petitioner submitted an application on 24.10.2019, seeking employment on compassionate ground and though he could obtain No Objection from the other legal heirs of the family, his elder sister was not inclined to give no objection to the petitioner for getting appointment on compassionate ground. Since the petitioner could not furnish the declaration/no objection of his elder sister, the respondents did not consider his application/representation dated 24.10.2019 and the 2nd respondent vide letter dated 01.10.2020, had informed the petitioner to furnish the declaration forms of all the legal heirs including his elder sister. Hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4. This Court heard the submissions of the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents and also perused the materials placed.
5. It is seen from the affidavit filed in support of this writ petition that the petitioner is eligible to be considered for employment on compassionate ground. It is the submission of the learned counsel that the elder sister of the petitioner is not interested in getting job on compassionate ground ; but for the other reasons, is not inclined to give no objection to the petitioner.
6. In the said circumstances, this Court is inclined to pass the following order:-

The respondents are directed to consider the petitioner's application dated 24.10.2019 seeking appointment on compassionate ground and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner's elder sister and after affording an opportunity of personal hearing to her. If the petitioner's elder sister appears and submits any objection, the same may also be considered by the respondents while taking a decision on the petitioner's application dated 24.10.2019. If the respondents find that the sister of the petitioner is not interested or not qualified to give such appointment to her, then they may consider the petitioner's case favourably subject to Rules. It is made clear that if the petitioner's elder sister fails to appear,



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it is open to the respondents to pass orders as if she has no objection for giving employment to the petitioner on compassionate ground.''

7. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Commissioner
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No.2, Aadikesavalur Street
Chindadripet, Chennai-600 002.

+1cc to Mr.C.Kanagaraj, Advocate SR.No. 35231

+1cc to Mr.M.Ganesan, Advocate SR.No. 35273

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A.SK(18.08.2021)