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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18356 of 2021
(Through Video Conferencing)

B.Vijayakumar

...Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
2. The Assistant Commissioner,
Greater Chennai Corporation, Chennai - 3.
3. The Zonal Officer,
Zone VI,
Greater Chennai Corporation,
No.158, Starahans Road, Otteri,
Chennai - 600 012.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 11.06.2021 vide reference number Ma.A6.Na.Ka.No.A4/701/2020 Division No.69, Zone -6,Area Unit -16, and quash the same and consequentially direct the respondents to offer compassionate appointment job to the writ petitioner on the demise of his mother Tmt.Kowsalya.

For Petitioner : Mr.Jayashree

For Respondents : Mr.M.Ganesan
Standing Counsel

ORDER

Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents. The petitioner has filed this writ petition for a certiorarified mandamus to quash the impugned order dated 11.06.2021 vide reference number Ma.A6.Na.Ka.No.A4/701/2020 Division No.69, Zone -6,Area Unit -16 and to consequently direct the respondent to offer appointment of compassionate ground to the petitioner on account of the death of the petitioner's mother Tmt.Kowsalya who died while in service of the respondent/corporation on 09.12.2018.



2.By the impugned order, the respondents have asked the petitioner to obtain no objection from the petitioner's father Babu whose name appears as the husband of their deceased mother late Tmt.Kowsalya.

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3.It is the case of the petitioner that petitioner's father was also an employee the respondent/corporation. However, due to mental illness he had stopped serving from the corporation thereafter his name was removed from the register of employees of the respondent/corporation.

4.It is further case of the petitioner that whereabouts their father Babu is not known and therefore the petitioner cannot be asked to get an no objection from their father Babu whose whereabouts are not known.

5.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the impugned order dated 11.06.2021.

6.Considering the fact that the petitioner's father whereabouts are not known, the conditions in the impugned communication dated 11.06.2021 cannot be insisted upon for considering the application for appointment of the petitioner on compassionate grounds. As a matter of fact, the Government has also issued G.O.Ms.No.18 Labour and Employment (Q1) Department, dated 23.01.2020

7.The respondents are therefore directed to consider the representation of the petitioner for being appointment on compassionate ground of the death of his mother Tmt.Kowsalya in terms of the aforesaid Government Orders without insisting the conditions stipulated in the impugned communication dated 11.06.2021 of the 3rd respondent.

8.This writ petition is therefore disposed by directing the 3rd respondent to appoint the petitioner suitably with the Respondent Corporation, if the petitioner is otherwise eligible for being appointed on compassionate grounds in terms of the prevailing Government Orders within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
2. The Assistant Commissioner,
Greater Chennai Corporation,
Chennai - 3.
3. The Zonal Officer,
Zone VI,
Greater Chennai Corporation,
No.158, Starahans Road, Otteri,
Chennai - 600 012.

+1cc to M/s.T.Janaki, Advocate, S.R.No.44434

+1cc to Mr.M.Ganesan, Advocate, S.R.No.44173

W.P.No.18356 of 2021

SRA(CO)

RGA(26/10/2021) (16/11/2021)