



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.1243 of 2020

M.Mahendran : Petitioner

Vs.

1.The Principal Secretary to the Government,
Department of Municipal Administration
and Drinking Water Supply,
St.George Fort,
Chennai.

2.The Commissioner,
O/o.the Commissioner,
Dindigul Corporation,
Dindigul.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner as a Sanitary Supervisor in the second respondent Corporation on compassionate ground within a stipulated time limit.

For Petitioner : Ms.A.Rajini

For Respondents : Mr.S.Saji Bino
Special Government Pleader
for R.1
Mr.J.Lawrance for R.2

O R D E R

This writ petition is filed by the petitioner for a mandamus directing the respondents to provide appointment as Sanitary Supervisor on compassionate grounds.

2.The case of the petitioner is that his mother, Arayammal, who was working as a Sweeper in the second respondent Corporation, died on 19.07.2016, while in service. Being the only son of the deceased Arayammal, the petitioner made an application for compassionate appointment. However, the same was not considered by the respondents



and therefore, he is before this Court.

3.Mr.J.Lawrance, learned Counsel for the second respondent Corporation, by relying upon the counter affidavit filed by the said respondent, submitted that the second respondent Corporation has already exceeded 49% of its total revenue and they are not in a position to make fresh appointments without the permission of the Government. In this regard, the second respondent Corporation has sent a proposal to the first respondent on various dates and finally on 26.11.2019 and on 14.07.2021. On receipt of necessary permission / relaxation from the first respondent, the petitioner's application for compassionate appointment would be considered based on seniority and on the availability of vacancies, in accordance with law.

4.In view of the above position, this Court, without going into the merits of the petitioner's claim, directs the first respondent to take a decision on the proposals sent by the second respondent dated 26.11.2019 and 14.07.2021, within a period of six weeks from the date of receipt of a copy of this order. Based on the decision taken by the first respondent, the second respondent shall consider the petitioner's claim for compassionate appointment and pass appropriate orders, depending upon his seniority, vacancy position and in accordance with law, within a further period of six weeks thereafter.

5.With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

To

1.The Principal Secretary to the Government,
Department of Municipal Administration
and Drinking Water Supply,
St.George Fort,
Chennai.



2.The Commissioner,
O/o.the Commissioner,
Dindigul Corporation,
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-39461[F] dated 20/12/2021)

+1 CC to M/s.SPL GP (SR-39524[F] dated 20/12/2021)

W.P(MD) No.1243 of 2020

17.12.2021

_RD(21.02.2022) 3P 5C