



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1960 of 2021

Manikandaprabhu

...Petitioner

Vs.

1.The Secretary to Government of India,
Ministry of Heavy Industries & Public Enterprises,
Room No.126-C,
Udyog Bhawan,
Rafi Marg,
New Delhi - 110 011.

2.The General Manager,
Human Resource Department,
Bharat Heavy Electrical Ltd., (BHEL),
Thiruchirapalli - 620 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to give Compassionate Ground appointment to the petitioner for his father's death, dated 23.03.2013, while he was in service in the 2nd respondent office.

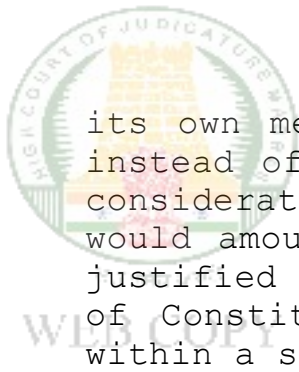
For Petitioner : Mr.R.Kalamurugappan
For Respondents : Mr.Ashok Sudhan
Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents seeking Compassionate Ground appointment to the petitioner for his father's death, dated 23.03.2013, while he was in service in the 2nd respondent office, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.11.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on



its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 06.11.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 06.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1.The Secretary to Government of India,
Ministry of Heavy Industries & Public Enterprises,
Room No.126-C,
Udyog Bhawan,
Rafi Marg,
New Delhi - 110 011.

2.The General Manager,
Human Resource Department,
Bharat Heavy Electrical Ltd., (BHEL),
Thiruchirapalli - 620 014.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-3441[F] dated
05/02/2021)

W.P. (MD) No.1960 of 2021
05.02.2021

ES (CO)
TR(22.02.2021) 3P 4C