



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.632 of 2019

S.Santhosh

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
O/o. the Commissioner of Municipal
Administration,
Ezhilagam, 6th Floor,
Chennai - 600 005.

2.Thanjavur Municipality,
Rep. by its Commissioner,
Thanjavur - 613 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner in the post of Sweeper in the 2nd respondent Municipality within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for Govt. for R1
Mr.J.Gunaseelan Muthiah
Standing Counsel for R2

ORDER

The prayer in this writ petition is for issuance of a writ of mandamus, directing the respondents to provide compassionate appointment to the petitioner in the post of Sweeper in the second respondent Municipality.

2. The case of the petitioner is that his father was working as Sweeper in the second respondent Municipality and he died on 21.11.2009, while he was in service. Thereafter, his mother also died. Since at the time of death of his father, the petitioner was minor, the petitioner's grandfather submitted an application on 28.11.2011, seeking compassionate appointment. After attaining majority, the petitioner submitted an application on 27.09.2014, seeking compassionate appointment, enclosing all necessary documents. However, no order has been passed. Hence, the petitioner has submitted a representation on 23.11.2015, requesting to grant appointment on compassionate ground. But, till date, the same was not considered by the respondents. Hence, the petitioner has come out with the present Writ Petition.



3. Even though the petitioner has made a larger relief, in the hearing today, the learned counsel appearing for the petitioner restricted the prayer and submitted that it would suffice, if there is a direction to the second respondent to dispose the representation of the petitioner dated 23.11.2015.

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4. The learned Standing counsel appearing for the second respondent would submit that the writ petitioner's application has been pending with the respondents and the same will be considered in due course by the respondent municipality.

5. Considering the limited scope of prayer now sought for by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the petitioner's representation dated 23.11.2015 on its own merits and in accordance with law and pass orders as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this orders and communicate the status of the application to the petitioner.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Commissioner of Municipal Administration,
O/o. the Commissioner of Municipal
Administration, Ezhilagam, 6th Floor,
Chennai - 600 005.

2.The Commissioner,
Thanjavur Municipality, Thanjavur - 613 001.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-26616[F]dated 18/08/2021)

W. P (MD) No. 632 of 2019

17.08.2021