



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.12317 of 2018

K.Gunasekaran

... Petitioner

-vs-

1.The Commissioner
Municipal Office
Devakottai, Sivagangai District

2.Commissioner of Municipal Administration
Commissionerate of Municipal Administration
Chepauk, Chennai-600 005

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to provide the petitioner appointment under compassionate grounds since he is in indigent living conditions and is fulfilling all the requirements of the G.O.Ms.No.155, dated 16.07.1993 pertaining to compassionate appointment and the clarifications made in the circular issued in Na.Ka.No.24349/2001/H2, dated 21.09.2001, issued by the second respondent.

For Petitioner : Mr.Y.Arulanandasamy
For Respondents : No appearance for R1
Mr.S.Shanmugavel
Government Counsel for R2

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus to direct the respondents provide appointment on compassionate grounds to the petitioner.

2. The case of the petitioner is that his father was working as a permanent Health Worker in the first respondent's office and died on 13.11.2003 while he was in service. Therefore, he submitted a representation on 30.03.2006 to the first respondent seeking compassionate appointment and thereafter, on receipt of a communication dated 07.11.2007, he submitted all the relevant documents. Despite the same, the respondents have not passed any orders on the petitioner's application. Therefore, on 11.12.2017, the petitioner sent a representation to the first respondent seeking early disposal of his earlier representation for compassionate appointment. However, till date the same has not been considered by the respondents and therefore, the petitioner has filed this writ petition.



3. The learned counsel appearing for the petitioner would submit that it would suffice, if a direction is issued to the first respondent to dispose of the representation of the petitioner, dated 11.12.2017.

4. Heard the learned Government Counsel appearing for the second respondent on the above submissions.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the petitioner's representation, 11.12.2017, on merits and in accordance with law, as early as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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. 1.The Commissioner
Municipal Office
Devakottai, Sivagangai District

2.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Chepauk, Chennai-600 005.

+1 CC to M/s.SPL GP (SR-25379[F] dated 05/08/2021)

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KS (CO)
KB(11.08.2021) 2P 4C