



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.15165 of 2016

and
W.M.P. (MD) .Nos.11169 and 11170 of 2016

M.Mohana Manikandan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Principal Secretary,
Public Works Department/water Resource Organization,
Fort St. George, Chennai - 600 009.
- 2.The Principal Chief Engineer
Cum Chief Engineer (General),
Public Works Department/water Resource Organization,
Chepuak, Chennai.
- 3.The Executive Engineer,
Public Works Department/ Water Resource Organization,
Thamirabarani Water Resource Division,
Tirunelveli Division, Tirunelveli District.
- 4.The Assistant Executive Engineer,
Public Works Department/ Water Resource Organization,
Thamirabarani Water Resource Division,
Cheranmadevi Division,
Tirunelveli District.
- 5.M.Mohana Muthuraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus to call for the records of the 2nd respondent's proceedings in S3 (4)/42555/2009, dated 15.02.2016 (appointment order to the 5th respondent) and quash the same as it was obtained by playing fraud by the 5th respondent and consequently direct the respondents 1 to 4 to provide suitable appointment on compassionate ground to the petitioner within the jurisdiction of the 3rd and 4th respondents, on account of the death of the petitioner's father late J.Muthusamy, who died on 14.03.2004, based on the petitioner's mother's application dated 13.09.2004 and 06.10.2004 and the



petitioner's application dated 22.10.2013 and 28.11.2013 within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For R1 to R4 : Mr.M.Muthugeethayan
Special Government Pleader

For R5 : Mr.T.A.Ebenezer

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the second respondent, dated 15.02.2016 and to quash the same and consequently, direct the respondents 1 to 4 to provide suitable appointment, on compassionate ground to the petitioner, based on the petitioner's mother's application dated 13.09.2004 and 06.10.2004 and the petitioner's application dated 22.10.2013 and 28.11.2013.

2. The case of the petitioner is that the petitioner's brother viz., Mohana Muthuraj, the fifth respondent herein has obtained the compassionate appointment, by forging the petitioner's signature in the No Objection Letter. Immediately thereafter, the petitioner has made an objection for the compassionate appointment. However, no action was taken. Hence, the present writ petition has been filed with the aforesaid prayer.

3. On 25.01.2021, this Court has referred the matter to the Handwriting Expert, for the purpose of comparing the signature of the petitioner as well as the fifth respondent. However, the learned Special Government Pleader appearing for the respondents 1 to 4 would submit that for the very same signature, the petitioner herein has filed a criminal complaint before the law enforcing agency and the same was registered on 05.01.2017 in Crime No.2 of 2017 for the offences under Sections 420, 465, 468 and 471 of I.P.C. Thereafter, the law enforcing agency sent the signatures of the petitioner to the handwriting expert and the expert has opined that the petitioner's signatures in the No Objection Letter for compassionate appointment and in the Bank Passbook, which was obtained prior to the signature in the No Objection Letter were compared and came to know that both the signatures are one and the same. Based on the expert opinion, the criminal case was closed as 'Mistake of Fact'.

4. In view of the fact that the petitioner's signatures were already compared by the handwriting expert and the signatures found in the No Objection Letter as well as the Bank Passbook are one and the same, the writ petition filed by the petitioner is misconceived and deserves to be dismissed. Accordingly, the Writ



Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

akv

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Public Works Department/water Resource Organization,
Fort St. George, Chennai - 600 009.
- 2.The Principal Chief Engineer
Cum Chief Engineer (General),
Public Works Department/water Resource Organization,
Chepuak, Chennai.
- 3.The Executive Engineer,
Public Works Department/ Water Resource Organization,
Thamirabarani Water Resource Division,
Tirunelveli Division, Tirunelveli District.
- 4.The Assistant Executive Engineer,
Public Works Department/ Water Resource Organization,
Thamirabarani Water Resource Division,
Cheranmadevi Division,
Tirunelveli District.

+1 CC to MR.T.A.EBENEZER, Advocate (SR-5708[F] dated 17/02/2021)

+1 CC to MR.ANANTH.C.RAJESH, Advocate (SR-5568[F] dated
17/02/2021)

+1 CC to M/s.SPL GP (SR-5906[F] dated 18/02/2021)

W.P. (MD)No.15165 of 2016
17.02.2021

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