



.BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.25139 of 2018

M. Saravanakumar

... Petitioner

-vs-

1. The Secretary to the Government,
Municipal Administration and Water Supply Department,
Secretariate,
St. George Fort,
Chennai.
2. The Comissioner of Panchayat Administration,
Chepak,
Chennai - 5.
3. The District Collector,
Collector's Office,
Madurai.
4. The Assistant Commissioner,
Corporation of Madurai,
Aringar Anna Maligai,
Thallakulam,
Madurai - 625 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the order passed by the fourth respondent in the letter No.Ma.Ne.20/028273/2018 dated 12.11.2018 and quash the same as arbitrary and unreasonable and thereby direct the respondents herein to regularize the services of the petitioner's father in the post of sanitary worker with effect from 15.09.2010 as per the G.O.Ms.No.385 finance (Salary) department dated 01.10.2010 with all monetary benefits and also appoint the petitioner in any suitable post on compassionate ground in the 4th respondent corporation and pass orders.

For Petitioner : Mr. K. Baalasundharam

For Respondents : Mr.A.K. Manikkam

Government Counsel for R1 to R3

Mr. K. Govindarajan,

Standing Counsel for R4.



O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to call for the records pertaining to the order passed by the fourth respondent in the letter No.Ma.Ne.20/028273/2018 dated 12.11.2018 and quash the same as arbitrary and unreasonable and thereby direct the respondents herein to regularize the services of the petitioner's father in the post of sanitary worker with effect from 15.09.2010 as per the G.O.Ms.No.385 finance (Salary) department dated 01.10.2010 with all monetary benefits and also appoint the petitioner in any suitable post on compassionate ground in the 4th respondent corporation.

2. According to the petitioner, he submitted an application for appointment on compassionate grounds to the respondent corporation. According to the petitioner, his father died on 04.09.2018 and he submitted the application on 25.10.2018. The said application was submitted within three years period and the fourth respondent-Corporation has rejected the petitioner application by impugned proceedings dated 12.11.2018 that the petitioner's deceased father had served in the Corporation only on consolidated pay and his services were not regularised.

3. The learned counsel for the fourth-respondent-Corporation submits that only in the case of permanent employees, the appointment on compassionate grounds could be considered as per Rules. He further submitted that a Proposal has already been sent to the first respondent to regularise the services of the employees, like the petitioner's deceased father, who are on consolidated pay, and only subject to the decision taken by the first-respondent on the said proposal, the application of the petitioner will be considered. The Learned Counsel for the Corporation has also submitted that so far no communication has been received from the Government, which fact has not been disputed by the learned Government Counsel appearing for the first-respondent.

4. In view of the above submissions of the parties, at this stage, this court is not inclined to pass orders in the writ petition directing the fourth-respondent-corporation to consider and pass appropriate orders on the representation made by the petitioner for appointment on compassionate grounds, unless the first respondent takes appropriate decision in the matter of regularisation of employees on consolidated pay.

5. In such circumstances, this Court cannot consider the claim



of the petitioner by directing the respondents to regularise the services of the petitioner's father in the post of sanitary worker. If such proposal is pending with the first respondent, the first respondent shall take appropriate decision and communicate the same to the fourth-respondent corporation at the earliest.

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

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

mnr

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 the Government,
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Chennai.
2. The Comissioner of Panchayat Administration,
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3. The District Collector,
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Madurai.



4. The Assistant Commissioner,
Corporation of Madurai,
Aringar Anna Maligai,
Thallakulam,
Madurai - 625 002.

WEB COPY

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-26548[F] dated 17/08/2021)

+1 CC to M/s.SPL GP (SR-26639[F] dated 18/08/2021)

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PS (CO)
SB(07.09.2021) 4P 7C