



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15054 of 2022

M.Venkatesh

... Petitioner

Vs.

1. The Director General of Police and
Inspector General of Prisons, 6, Whannels Road,
Egmore, Chennai 600 008.
2. The Deputy Inspector General of Prisons,
Coimbatore Range, Coimbatore.
3. The Superintendent of Prisons, Central Prison,
Salem.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the third respondent herein namely the Superintendent of Prisons, Central Prison, Salem to consider and pass a detailed and speaking order on merits and in accordance with law on the representation dated 22.10.2020 regarding compassionate appointment and terminal benefits submitted by the petitioner, within a time frame that may be stipulated by this Court.

For Petitioner : Mr. K.S.Govinda Prasad

For Respondents : Mr.P.Ganesan, Govt. Advocate

ORDER

This Writ petition has been filed seeking to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 22.10.2020 regarding compassionate appointment and terminal benefits and to pass orders, within a time frame as fixed by this court.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner's father was working as Cook in the respondent Department and his service was regularized on 10.06.1986. Thereafter, due to serious ailments, he was not able to attend duties. Subsequently, charge memo was issued against him. Though explanation submitted along with medical certificate and doctor's report, he was removed from service. The Appeal filed by his father was also rejected. Hence, the petitioner's father filed O.A.3020 of 2003, which was later transferred to this Court and re-numbered as W.P.No.14358 of 2007 was partly allowed by this court vide order dated 28.11.2019, thereby, setting aside the impugned termination order and directing the respondents to re-instate him without any back wages. In such circumstances, the father of the petitioner died on 21.02.2011. Therefore, the petitioner gave representation dated 22.10.2020, seeking compassionate appointment and also to give terminal benefits of his father. But it was not considered till date. Hence this writ petition.

4. The learned Government Advocate appearing for the respondents submitted that, the representation of the petitioner will be considered and appropriate orders will be passed by the third respondent.

5. Considering the facts and circumstances of the case and also the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The third respondent is directed to consider the representation of the petitioner dated 22.10.2020 and to pass appropriate orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

ii) The petitioner is directed to submit the copy of the representation along with this order copy before the third respondent, within a period of one week from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of at the admission stage itself. No costs.

Sd/-
Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

mst



To

1. The Director General of Police and
Inspector General of Prisons, 6, Whannels Road,
Egmore, Chennai 600 008.
2. The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore.
3. The Superintendent of Prisons,
Central Prison, Salem.

+1cc to Mr.K.S.Govinda Prasad, Advocate, S.R.No.37345

+1cc to the Government Pleader, S.R.No.37644

W.P.No.15054 of 2022

PM(CO)
UMA(05/07/2022)