



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16236 of 2014

K.Thirumurugan

..Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam, VI Floor, Kamarajar Salai,
Chepauk, Chennai - 600 005.

2. The Municipal Commissioner,
Tiruchengode Municipality,
Nammakal District.

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to implement the order of 1st respondent passed in Na.Ka.No.12424/2000/H.2, dated 14.09.2007 and in Na.Ka.No.12424/2000/H.2, dated 26.10.2007 within a date fixed by this Hon'ble Court.

For Petitioner : M/s.A.R.Nixon

For R1 : Mr.C.Selvaraj,
Additional Government Pleader

For R2 : Mr.P.Srinivas

ORDER

The petitioner herein is the son of one M.Kandhan who, while working as Sanitary Supervisor, died in service on 14.10.2001. The petitioner's claim for appointment on compassionate grounds, was rejected by the 2nd respondent on 23.11.2001, on the ground that his mother was employed as a sweeper. Subsequently, the 1st respondent herein, had made recommendations on 14.09.2007 and 26.10.2007 recommending for appointment of the petitioner on compassionate grounds. These recommendations were however, addressed to the Municipal Commissioners of Mayiladuthurai and Tirupur, since vacancies were available in those Municipalities, at that relevant point of time. Owing to the inaction on the part of these Municipal Commissioners, the petitioner has filed



the present writ petition.

2.The fact that the petitioner's mother was employed, while the application for compassionate appointment was considered, is not disputed. However, it is seen that the petitioner's mother has now retired from service in the year 2014. When the Commissioner Municipality Administration had observed that the petitioner is entitled for compassionate appointment, this Court is of the view that the second respondent could be directed to appoint the petitioner on compassionate grounds, subject to fulfilling the terms and conditions, stipulated in the recommendations, made by the Commissioner in his proceedings, dated 14.09.2007 and 26.10.2007.

3.In view of the above observations and by taking into account the favourable recommendations made by the Commissioner of Municipality Administration, there shall be a direction to the second respondent herein, to consider the petitioner's request and pass appropriate orders, subject to compliance of the conditions stipulated in the recommendations made by the Commissioner. The second respondent, shall pass such orders, granting compassionate appointment, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Commissioner of Municipal Administration,
Ezhilagam, VI Floor,Kamarajar Salai,
Chepauk, Chennai - 600 005.

2. The Municipal Commissioner,
Tiruchengcode Municipality,
Nammakal District.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.24000

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.23514

+1cc to the Government Pleader, S.R.No.23851

W.P.No.16236 of 2014

MT(CO)

RGA(28/04/2022)