



W.P.No.32254 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32254 of 2017
and W.M.P.No.35516 of 2017

L.Raji

...Petitioner

Vs.

1.The Manging Director,
Chennai Water and Sewerage Board
Pumping Station Road,
Chindadripet, Chennai – 600 002.

2.Mrs.L.Dhanalakshmi

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent to appoint the petitioner in the first respondent establishment on the compassionate ground.

For Petitioner : Mr.R.Karunakaran

For Respondents : Mr.N.Ramesh for R1

Mr.A.Amal Raj for R2



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ORDER

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The relief sought for in the present writ petition is to direct the first respondent to appoint the petitioner on compassionate ground.

2.The petitioner states that his father Late Mr.K.Loganathan was employed as Field Worker in the 1st respondent Board and declared death on 23.05.2015 in an accident. The employee died leaving behind his wife, two daughters and the petitioner who is the son. The petitioner states that the sisters had obtained the false certificates from the revenue authorities and received the terminal benefits of the deceased employee. The petitioner states that the sisters have not provided any share to him and thereafter, he filed an application seeking appointment on compassionate ground. The said application was not considered and therefore, the petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the 2nd respondent made a submission that she is the daughter of the deceased employee and accordingly,



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made an application to provide an appointment on compassionate ground. The competent authorities of the 1st respondent though recommended the name of the 2nd respondent for providing appointment, the appointment is yet to be considered.

4.In reply, the learned counsel for the petitioner has stated that the Tahsildar has equally recommended the name of the writ petitioner for appointment on compassionate ground. Further, the respective learned counsels appearing on behalf of the petitioner and the 2nd respondent made a submission that the civil dispute is pending between the family members. More specifically, a partition suit is pending before the competent civil court of law.

5.In view of the fact that the dispute is prevailing between the legal heirs of the deceased employee, the authorities of the 1st respondent Board is not in a position to consider the eligible legal heirs to provide appointment on compassionate ground. On account of the dispute, already seven years lapsed from the date of the death of the deceased employee. However, the application



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was admittedly submitted both by the petitioner and by the 2nd respondent. That being the case, the authorities have not considered the appointment on compassionate ground to the legal heirs of the deceased employee rightly, as two applications cannot be considered from the same family of the deceased employee. Thus, this Court do not find any infirmity in not considering the case of the writ petitioner and the 2nd respondent for appointment on compassionate ground. It is for the parties to resolve the family disputes and thereafter, approach the authorities in the manner known to law.

6. Accordingly, this writ petition stands dismissed. No Costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To



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The Managing Director,
Chennai Water and Sewerage Board
Pumping Station Road,
Chindadripet, Chennai – 600 002.



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S.M.SUBRAMANIAM, J.

SSR

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