



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.458 of 2022
W.M.P(MD).No.358 of 2022

M.Vinoth

... Petitioner

Vs.

1 The State Rep. by its
Addl. Chief Secretary to Government ,
Municipal Administration and Water Supply
Department, Secretariat,
Fort St.George,
Chennai - 600009.

2 The Director of Municipal Administration,
Chennai.

3 The Commissioner
Tiruchirappalli Municipal Corporation,
Tiruchirappalli .

4 M.Vijay

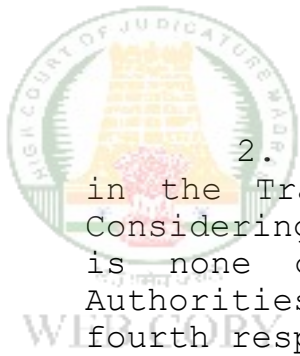
... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 3rd Respondent to consider the petitioner representation dated 03/07/2021 and remove the 4th Respondent from the post of Office Assistant appointed by the 3rd Respondent on compassionate grounds vide Pro.Roc.No.7088/2015/C1 dated 13/04/2017.

For Petitioner	:	Mr.M.Rajarajan
For Respondents	:	Mr.M.Ramesh
		Government Advocate for R1
		Mr.R.Baskar,
		Standing Counsel for RR2 and 3

O R D E R

The relief sought for in the present writ petition is to direct the third respondent to consider the petitioner's representation submitted by him on 03.07.2021 and remove the fourth respondent from the post of Office Assistant.



2. The father of the writ petitioner namely Mohan was working in the Transport Corporation and died in harness on 27.01.2014. Considering the application submitted by the fourth respondent, who is none other than the brother of the writ petitioner, the Authorities provided an appointment on compassionate ground. The fourth respondent is now working in the Corporation.

3. The grievance of the writ petitioner is that the fourth respondent suppressed the various facts and secured appointment on compassionate grounds by submitting forged documents including the signature of the petitioner. It is contended that the fourth respondent suppressed the fact regarding indigent circumstances. Further the documents submitted also are forged. The petitioner made several complaints and no action has been taken by the third respondent/Commissioner.

4. Apparently there is a personal enmity between the petitioner and the fourth respondent which is visible. The Court is no way connected with such enmity between the brothers. However, public appointments are to be made strictly in accordance with scheme, more specifically, on compassionate ground. If any person gives a complaint regarding certificates or documents produced by the persons for securing appointments, such complaint is to be looked into for the purpose of ascertaining its genuineness or otherwise. Therefore, irrespective of the fact whether the petitioner is the brother of the fourth respondent or not, the documents, certificates and other indigent circumstances as submitted by the fourth respondent for securing appointment on compassionate ground must be enquired into, with reference to the terms and conditions of the scheme of compassionate appointment. In this regard, the third respondent is directed to verify the records and its genuinity, and initiate appropriate action, if required.

5. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1 The Additional Chief Secretary to Government ,
Municipal Administration and Water Supply
Department , Secretariat,
Fort St.George,
Chennai - 600009.



2 The Director of Municipal Administration,
Chennai.

3 The Commissioner
Tiruchirappalli Municipal Corporation,
Tiruchirappalli .

+1 CC to M/s.SPL GP (SR-11219[F] dated 10/03/2022)

+1 CC to M/s.R.BASKARAN, Advocate (SR-10822[F] dated 09/03/2022)

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-11121[F] dated 10/03/2022)

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NA (CO)

KB (21.03.2022) 3P 7C