



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6167 of 2021

WEB COPY

C.Perachi

... Petitioner

vs.

1.The District Collector
Office of the Collector
Tirunelveli, Tirunelveli District

2.The Commissioner
Tirunelveli Municipal Corporation
Tirunelveli District

3.The City Health Officer
Tirunelveli Municipal Corporation
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order in Na.Ka.No.H1/5769/2019, dated 10.08.2019, on the file of the 3rd respondent and quash the same as illegal and direct the respondent Nos.2 and 3 to provide compassionate ground of appointment to the petitioner as sanitary worker within a period stipulated by this Court.

For Petitioner : Mr.Chakkaravarthy.S.J.

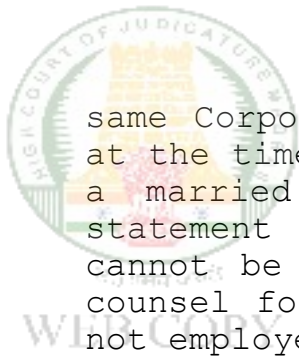
For Respondents : Mr.A.K.Manikkam
1&3 Special Government Pleader

For Respondent 2 : Mr.P.Athimoola Pandian

O R D E R

The order of rejection, dated 10.08.2019, passed by the third respondent, rejecting the claim of the petitioner for compassionate appointment, is under challenge in this writ petition.

2. The father of the petitioner was working as Sanitary Worker in the respondent - Municipal Corporation and died on 28.01.2012. The mother of the petitioner also died as early as on 05.03.2007. The petitioner submitted an application for compassionate appointment. The said application was rejected on the ground that the brother of the petitioner was working in the very



same Corporation from the year 1996 onwards. Even, the petitioner at the time of filing this writ petition was aged 38 years and he is a married person having three children. Therefore, the very statement of the petitioner that he is unemployed at this stage cannot be trusted upon. It is further clarified by the learned counsel for the petitioner that the wife of the petitioner is also not employed.

3. Under those circumstances, the very statement of the petitioner that he is not employed seems to be incorrect and further, the fact remains that the brother of the petitioner is gainfully employed in the respondent - Municipal Corporation and therefore, as per the scheme of compassionate appointment, the petitioner is not eligible to get appointment. Thus, there is no infirmity as such in the impugned order passed by the third respondent.

4. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Office of the Collector,
Tirunelveli, Tirunelveli District.

2.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli District.

3.The City Health Officer,
Tirunelveli Municipal Corporation,
Tirunelveli District.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate (SR-9467[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9455[F] dated 02/03/2022)

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