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W.P.No.5538 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.5538 of 2018

M. Saranya

.. Petitioner

Versus

The Managing Director,
Tamil Nadu Magnasite Company Ltd.,
No.5/43, Omalur Main Road,
Jahir Ammapalayam, Salem

.. Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the Respondent to consider the petitioner's representation dated 29.11.2017 to provide employment on compassionate ground within a stipulated time and pass orders

For Petitioner : M/s.T.P. Kuilmozhi

For Respondents : Mr.V.Jaisankar for V.JayaPrakash
Narayanan
Additional Government Pleader

ORDER

This writ petition is filed to issue a writ of Mandamus directing the Respondent to consider the petitioner's representation dated 29.11.2017 and pass orders.



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2. The case of the petitioner is that she is the legally wedded wife of late G. Mayakrishnan who has worked in the Respondent organization and died on 13.09.2016. Due to the sudden demise of the deceased employee, the family was in indigent circumstances. Under these circumstances, a representation was submitted by the writ petitioner on 29.11.2017, to the respondent with a request to provide an appointment on compassionate ground. However, the claim of the writ petitioner was neither accepted nor rejected by the respondent. Hence the petitioner has filed this writ petitioner to consider her representation.

3. The learned counsel for the petitioner contend that the petitioner is now doing coolie work to maintain herself and her daughter. She further contend that the husband of the petitioner died on 13.09.2016 and she has made representation to the respondent on 29.11.2017 which is well within the prescribed time, but the same was not considered.

4. Per Contra the learned counsel appearing for the respondent



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submitted that the mother of the deceased employee has filed a suit in O.S No. 423 of 2017 and I.A.No.761 of 2017 before the District Munsif Court, Salem to declare her share in the death benefits of her son who is the deceased employee and also prayed for permanent injunction directing the Managing Director of the Respondent not to give any job to the petitioner on compassionate ground. The said fact was not disclosed by the petitioner at the time of filing the petition. As the suit was pending they were unable to consider the representation for the petitioner.

5. At this juncture the learned counsel appearing for the petitioner submitted that the suit in O.S No. 423 of 2017 and I.A.No.761 of 2017 before the District Munsif Court, Salem is dismissed for default on 26.08.2021. Hence there is no legal impediment for the respondent to consider the representation of the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the limited request made by the petitioner, this Court is inclined to direct the respondent to consider the petitioner's



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representation dated 29.11.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions ,this writ petition is disposed of. No order as to costs.

17.03.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn
To

1. The Managing Director,
Tamil Nadu Magnasite Company Ltd.,
No.5/43, Omalur Main Road,
Jahir Ammapalayam, Salem

2. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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