



WEB COPY

W.P.No.22119 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.10.2023

PRONOUNCED ON : 06.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.22119 of 2021

M.Saravana Kumar

...

Petitioner

versus

1.The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building,
Chennai - 600 003.

3.The Assistant Commissioner,
Public Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

4.The Zonal Officer,
Zone X, Unit - 29,
Corporation of Chennai,
Kodapakkam
Chennai - 600 024.



5.The Assistant Engineer,
Zone X, Unit - 29,
Corporation of Chennai,
Kodapakkam
Chennai - 600 024.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the third respondent in proceedings Pho.Thu.Na.Ka.No.E10/39306/2015 dated 23.06.2021 and quash the same as illegal, incompetent and without jurisdiction and further direct the third respondent to appoint the petitioner on compassionate grounds.

For Petitioner : M/s.N.Beulah John Selvaraj
For Respondent No.1 : Mrs.P.Rajarajeswari
Government Advocate
For Respondent Nos.2 to 5: Mr.S.Gopinath
Standing Counsel for Corporation

ORDER

The petitioner has filed this petition seeking for a writ of certiorarified mandamus, calling for the records on the file of the third respondent dated 23.06.2021 and to quash the same and also direct the third respondent to appoint the petitioner on compassionate grounds.

2. Heard Mr.N.Beulah John Selvaraj, learned counsel for the petitioner; Mrs.P.Rajarajeswari, learned Government Advocate for the first



respondent; Mr.S.Gopinath, learned Standing Counsel for the Corporation and perused the materials available on record.

WEB COPY

3. The petitioner's father namely Murugavel was employed as a Road Thozhalali in Zone X, Unit-29, Division-130, under the Corporation of Chennai. He died on 20.08.2010 while he was in service. His mother also died on 08.08.2007. The deceased Murugavel had two sons and one daughter. The petitioner is one of the sons of the deceased Murugavel and he has given an application to the third respondent to appoint him on compassionate grounds under the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023.

4. The only ground on which the respondents rejected the application of the petitioner is that, the petitioner has not given the application within 3 years from the date of death of his father. The petitioner has filed his application on 11.05.2015 and the same was rejected as it has been given after the period of 3 years. Hence, the petitioner has filed Writ Petition in W.P.No.27694 of 2015 before this Court and a direction was obtained to consider the application within a period of eight weeks from the



date of receipt of the order. Even in the order dated 26.03.2021, it is stated as under:-

WEB COPY

“3. The learned counsel appearing for the respondents 1, 3 and 4 submitted that the petitioner has not completed 18 years within the period of three years from the date of death of his father. Hence, the respondents are not in a position to give him appointment on compassionate grounds.

4. Admittedly, the petitioner has not attained the age of majority at the time of his father's death. However, he made representation seeking employment on compassionate grounds to the respondents on 28.07.2014, whereas, in the impugned order it is stated that the petitioner has made representation only on 11.05.2015. Hence, the impugned order dated 09.07.2015 is set aside and the matter is remitted back to the respondents for passing appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.”

5. The above order would only mean that the petitioner's circumstances which prevented him from giving an application within a period of 3 years was considered and only thereafter, a direction was given to consider the application on its merits. But it appears that the respondents



had rejected the application once again on the same ground which is nothing but contempt.

WEB COPY

6. The very purpose of the petitioner filing the Writ Petition in W.P.No.27694 of 2015 is to set aside the earlier order of the respondents dated 09.07.2015 which has been rejected for the same reason of delay. Once the order dated 09.07.2015 is set aside, it would imply that the respondents are obliged to consider the application of the petitioner on other merits rather than the reason for which it has been rejected earlier. The respondent's improper understanding of the earlier order and carelessness has resulted in filing this Writ Petition. Since the order dated 26.03.2021 has been passed without properly understanding the spirit and object of the direction given in W.P.No.27694 of 2015, I feel it is appropriate to grant the relief sought by the petitioner.

7. In the result, this Writ Petition is allowed and the order passed by the third respondent in Pho.Thu.Na.Ka.No.E10/39306/2015 dated 23.06.2021, is quashed and consequently, the third respondent is directed to provide suitable employment to the petitioner under the compassionate



grounds within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

WEB COPY

06.11.2023

Speaking order /Non-Speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

1.The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

3.The Assistant Commissioner,
Public Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

4.The Zonal Officer,
Zone X, Unit - 29,
Corporation of Chennai,
Kodapakkam
Chennai - 600 024.

5.The Assistant Engineer,
Zone X, Unit - 29,
Corporation of Chennai,
Kodapakkam
Chennai - 600 024.



WEB COPY

W.P.No.22119 of 2021



R.N.MANJULA, J.

sri

Pre-Delivery Order made in
W.P.No.22119 of 2021

06.11.2023