



W.P.No.1570 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1570 of 2023
and W.M.P.Nos.1660 and 1661 of 2023

1. M.Amutha

2. V.Mahalakshmi

... Petitioners

Vs.

1. The Commissioner,
Erode City Municipal Corporation,
Erode - 638 001.

2. M.Sankar

3. Pazhaniammal

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the concerned records relating to the order No.Na.Ka.No.5352/2017/C2, dated 06.12.2022 passed by the first respondent and quash the same.

For Petitioners : Mr.M.Gnanasekar

For Respondent : Mr.D.Ravichandar
No.1 Special Government Pleader

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ORDER

This Writ Petition has been filed for quashing the impugned proceedings of the first respondent dated 06.12.2022.

2. The case of the petitioner is that the father-in-law of the second petitioner was employed as Sanitary Worker in the Erode City Municipal Corporation. He died on 16.05.2018 leaving behind nearly 11 legal heirs. Out of those 11 legal heirs, the petitioners also form part.

3. The further case of the petitioner is that the husband of the second petitioner had already died on 27.11.2008. Likewise, the husband of the first petitioner had also died on 11.07.2014. On the demise of the father-in-law of the second petitioner, the entire terminal benefits were also taken by the mother-in-law. That apart, the petitioners also gave no objection to the second respondent on 10.07.2018 to enable the second respondent to get compassionate appointment and accordingly, the compassionate appointment was also given to the second respondent.



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4. The grievance of the petitioners is that they were not paid a single paise out of the terminal benefits and they were virtually left in lurch. On enquiry, it was found that the second respondent had obtained the compassionate appointment by producing fabricated documents and by giving false information. In view of the same, the present Writ Petition has been filed before this Court for quashing the compassionate appointment that was given to the second respondent by the first respondent.

5. Heard Mr.M.Gnanasekar, learned counsel appearing on behalf of the petitioners and Mr.D.Ravichandar, learned Special Government Pleader appearing on behalf of the first respondent.

6. In the considered view of this Court, the petitioners are attempting to ventilate a private dispute in this Writ Petition. If the petitioners are entitled to any share in the terminal benefits, it is always open to them to approach an appropriate Court and seek for the remedy. That apart, the petitioners, having already given no objection for the compassionate appointment to the second respondent, cannot be permitted to later on turn around and question the compassionate appointment given to the second respondent. If the second respondent has obtained the compassionate



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appointment by giving false information or by producing false records, it is for the official respondent to deal with the same in accordance with law.

7. This Court does not find any merit in this Writ Petition. In the result, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

27.01.2023

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To

The Commissioner,
Erode City Municipal Corporation,
Erode - 638 001.

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