



W.P.(MD).No.1659 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1659 of 2022

A.Kumar

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai – 02.

2. The Deputy Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai - 02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide any suitable employment to the petitioner under compassionate ground, according to the educational qualification of the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.K.K.Kannan
Standing Counsel



W.P.(MD).No.1659 of 2022

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4. Per contra, the learned Standing Counsel appearing for the respondent Corporation submits that they have not received any application from the writ petitioner either within three years or after three years seeking compassionate appointment. For the first time, the respondent Corporation received such an application only on 31.12.2021. He further disputes the genuineness of letter said to have been issued by the Corporation on 09.11.2012. According to the learned Standing Counsel appearing for the respondents, the application has been belatedly filed after a period of 13 years and hence, they are not in a position to consider the said application.

5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

6. It is not in dispute that the petitioner's father was working as Sweeper in the respondent Corporation. He passed away on 08.02.2008. The petitioner solely relies upon the letter said to have been sent by the respondent Corporation on 09.11.2012, to contend that he had made an application well within a period of three years.



W.P.(MD).No.1659 of 2022

WEB COPY

7. The genuineness of the said letter has been questioned by the respondent Corporation in their counter. Even assuming that the said letter is a genuine one, there is no reference about the date on which the writ petitioner had made an application seeking compassionate appointment.

8. Therefore, it is clear that the petitioner is not able to prove that he had made an application seeking compassionate appointment within a period of three years from the date of death of his father.

9. In view of the above said facts, the petitioner has not made out the case for issuance of mandamus and this Writ Petition stands dismissed. There shall be no order as to costs.

20.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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W.P.(MD).No.1659 of 2022

R.VIJAYAKUMAR,J.

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