



W.P(MD)No.6351 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6351 of 2023

and

W.M.P.(MD)No.6010 of 2023

K.Manjula

... Petitioner

Vs.

1.The Director of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai – 28.

2.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing Na.Ka.No.684/2021/H1 dated 03.01.2023 on the file of the 2nd respondent and quash the same as illegal and consequently direct the Respondents to provide suitable job to the petitioner's son on compassionate ground.



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For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1.
Mr.P.Srinivas,
Standing Counsel for R2.

ORDER

Heard the learned counsel on either side.

2.Thiru.Kannan was employed as Driver in Srivilliputhur Municipality. He passed away on 29.07.2014. The writ petitioner, her two children and her mother-in-law are the surviving legal heirs. The petitioner submitted an application for appointment on compassionate grounds within three years. But as pointed out by the learned standing counsel, the petitioner wanted the employer to give such appointment in favour of her elder son. This request was rightly rejected by the second respondent.

3.The petitioner now states that she would not press the original prayer but she will be satisfied, if she is given appointment on compassionate grounds.



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4.In such matters, one should not adopt a narrow and technical approach. The fact remains that the application was submitted within three years. Of course, the petitioner even in the present writ petition also has sought appointment for her elder son. But on that ground, the petitioner need not be thrown out completely.

5.The second respondent shall treat the petitioner's application as one seeking appointment for herself. The petitioner has passed 8th standard. She may probably be qualified for the entry level post. Subject to availability of vacancy and other formalities, the case of the petitioner for appointing her on compassionate grounds shall be considered and final order shall be passed within a period eight weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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