



W.P.(MD).No.13410 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13410 of 2021

A.Muthugopal

... Petitioner

Vs.

1.The Director,
Directorate of Aadhi Dravidar Welfare,
Chepauk,
Chennai – 5.

2.The District Aadhi Dravidar and
Tribal Welfare Officer,
Virudhunagar District,
Virudhunagar Town.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue an appointment order to the petitioner for the post of Junior Assistant on compassionate ground as per the proceedings of the first respondent in Na.Ka.No.E5/6309/2020, dated 21.10.2020.

For Petitioner

: Mr.M.Thirunavukkarasu

For Respondents

: Mr.N.Muthu Vijayan
Special Government Pleader



W.P.(MD).No.13410 of 2021

WEB COPY

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to issue an appointment order to the petitioner for the post of Junior Assistant on compassionate grounds as per the proceedings of the first respondent in Na.Ka.No.E5/6309/2020, dated 21.10.2020.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The petitioner's father A.Aathimoolam worked as a cook in the Government Aadhi Dravidar Students Welfare Hostel and while in employment, he died on 08.05.1991 leaving his family in penury. After attaining majority, the petitioner applied for compassionate appointment on 14.02.2008 to the second respondent with relevant documents. The second respondent forwarded the said application to the first respondent to process the application of the petitioner. However, the petitioner was not issued with any appointment order by the first respondent. Hence, the petitioner filed a Writ Petition in



W.P.(MD).No.13410 of 2021

W.P(MD)No.11312 of 2010 seeking for a direction to appoint him in a suitable post on compassionate ground. The said Writ Petition was disposed of on 13.02.2015 directing the petitioner to send a fresh representation to the first respondent along with a copy of the recommendation made by the second respondent. As per the direction of this Court, the petitioner sent a fresh representation to the first respondent on 02.05.2015. Even after that, the first respondent did not consider the same and hence, the petitioner filed a contempt Petition in Cont.P(MD)No.119 of 2016. Pending disposal of the contempt petition, the first respondent by proceedings dated 12.04.2016 rejected the claim of the petitioner for appointment on compassionate ground, stating that the application was beyond the period of three years. Challenging the same, the petitioner filed a Writ Petition in W.P(MD)No.7768 of 2016 and the same was allowed by this Court by order, dated 22.06.2017 making a specific direction, directing the respondents to consider the petitioner's application on merits and in accordance with law, within a period of four weeks from the date of receipt of the copy of the said order. In furtherance to that on 26.09.2018, the petitioner was served with a memo by the first respondent ensuring that his name has been kept in the seniority list in the level of Serial No.107-A. Hence, at the earliest, he would be given



W.P.(MD).No.13410 of 2021

with an appointment on the basis of his seniority in terms of the movement of the seniority list. Even after a passage of 5 years, till date the petitioner's plight has not been met by the respondents. Hence, the present Writ Petition.

4.Mr.N.Muthu Vijayan, learned Special Government Pleader, on the basis of the written instructions received by him, submitted that the petitioner's name is kept in the waiting list at Serial No.118. This seems to be unjustified because as on 26.09.2018 when the petitioner's name was kept in Serial No.107-A place, it could not be quite probable that the learned Special Government Pleader submitting that the petitioner is in the ranking of Serial No.118 and this seems that the respondents are not inclined to give him an appointment, rather keeping his plight in abeyance.

5.However, the learned Special Government Pleader based on the written instructions submitted that the observation of the Court will be considered and that the petitioner's application is in such a state that the respondent will issue an order very soon, considering the fact that the petitioner is waiting for placement for the past 17 years, by written instructions, dated 25.08.2021.



W.P.(MD).No.13410 of 2021

WEB COPY

6.In view of the above, this Court directs the respondents to immediately appreciate the application of the petitioner for compassionate ground which is pending for the past 17 years before the first respondent for adjudication and issue the petitioner with an appointment order within a period of four weeks from the date of receipt of a copy of this order.

7.With the above observation, this Writ Petition is allowed.
There shall be no order as to costs.

06.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
ps



W.P.(MD).No.13410 of 2021

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To

- 1.The Commissioner of Municipal Administration,
Commissioner of Municipal Administration,
M.R.C Nagar,
Santhom High Road,
Chennai – 600 028.
- 2.The Regional Director of Municipal Administration,
No.294, Melakal Pradana Salai,
Kochadai,
Madurai – 625 014.
- 3.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.



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W.P.(MD).No.13410 of 2021

L.VICTORIA GOWRI, J.

ps

W.P.(MD)No.13410 of 2021

06.07.2023