



W.P.(MD).No.15559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.15559 of 2023

R.Pandiarajan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District,
Madurai.

2.The Commissioner,
T.Kallupatti Panchayat Union,
T.Kallupatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to provide compassionate appointment to the petitioner on the basis of his representation dated 25.06.2018 in accordance with law.

For Petitioner

: Mr.P.Mahendran

For R – 1

: Mr.P.Thambidurai
Government Advocate

For R – 2

: Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

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The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner on the basis of his representation dated 25.06.2018 in accordance with law.

2.Heard Mr.P.Mahendran, learned counsel appearing for the petitioner, Mr.P.Thambidurai, learned Government Advocate appearing for the first respondent and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the second respondent and perused the materials available on record.

3.The petitioner's mother Ponnachiammal was appointed as an Assistant Cook in the Tamil Nadu Government Noon Meal Scheme at K.Perumalpatti Panchayat Union Primary School, vide proceedings, dated 19.12.2002. While so, his mother died on 17.04.2018, leaving behind the petitioner and his two sisters. The petitioner made an application for compassionate appointment on 25.06.2018. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.



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4.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondents to consider the representation of the petitioner, dated 25.06.2018 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

24.08.2023

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



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To

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- 2.The Commissioner,
T.Kallupatti Panchayat Union,
T.Kallupatti,
Madurai District.



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L.VICTORIA GOWRI, J.

ps

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