



W.P.(MD).No.16613 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.07.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.16613 of 2023**

L.Pradeepa

... Petitioner

Vs.

1.The District Collector,  
Thoothukudi District,  
Thoothukudi.

2.The Government of Tamil Nadu,  
Represented by its Secretary,  
Highways Department,  
Fort St.George,  
Chennai-600 009.

3.The Tamil Nadu Maritime Board,  
Represented by State Port Officer,  
No.171, 3<sup>rd</sup> and 4<sup>th</sup> Floor,  
South Kesava Perumalpuram,  
Opp. Greenways Road,  
Raja Annamalaipuram,  
Chennai-600 028.

4.The Port Officer,  
Rameshwaram,  
Ramanathapuram District.

... Respondents



W.P.(MD).No.16613 of 2023

**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 appoint the petitioner under compassionate appointment scheme by considering the petitioner's representation dated 08.05.2023.

For Petitioner : Mr.K.Chengiz Khan

For Respondents : Mr.M.Prakash  
Additional Government Pleader

### **ORDER**

The present writ petition has been filed seeking direction to the respondents to appoint the petitioner under compassionate appointment scheme by considering the petitioner's representation dated 08.05.2023.

2. The petitioner's father Mr.A.Luruthusamy was working as a Seaman in the Maritime Board and he was dismissed from service in the year 1997. Challenging the same, petitioner's father filed a writ petition in W.P.No.9864 of 2002 in which he succeeded. Against which the Government preferred a writ appeal in W.A.No.964 of 2011 which was disposed in favour of the petitioner's father on 06.07.2011. In the meanwhile, the petitioner's father died on 12.05.2011. Because of the difficulty and penury suffered by the petitioner's family, the petitioner made an application seeking compassionate appointment



W.P.(MD).No.16613 of 2023

in the year 2012. However, the respondent directed the petitioner to submit a claim for compassionate appointment in its proper form and that exercise was also done on 31.08.2012. However, whenever the petitioner approaches the respondents for necessary action, by one reason or other, the matter is being dragged on indefinitely. Hence, the petitioner made a representation on 30.04.2017 seeking compassionate appointment to the respondents. Even that was also not considered. Lastly, on 08.05.2023 another representation also came to be filed. Since the representations made by the petitioner are not considered, this writ petition came to be filed.

3. Heard Mr.K.Chengiz Khan, learned counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondents and perused the materials available on record.

4. In view of the fact that the application seeking compassionate appointment has been made on time by the petitioner in terms of G.O.Ms.No. 33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023. It is the bounden and duty of the respondents to immediately consider the representation of the petitioner within a stipulated period of time. It is needless to say that whenever a representation is made to a statutory



**W.P.(MD).No.16613 of 2023**

authority, it is the duty of the statutory authority to consider the representation and non-consideration of representation in one way or other would amount to dereliction of duty.

5. In view of the same, this Court is inclined to allow this writ petition by directing the 3<sup>rd</sup> respondent to appoint the petitioner under compassionate appointment scheme by considering the petitioner's representation, dated 30.04.2017 and 08.05.2023 within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

**11.07.2023**

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

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To

1.The District Collector,  
Thoothukudi District,  
Thoothukudi.

2.The Secretary,  
The Government of Tamil Nadu,  
Highways Department,  
Fort St.George,  
Chennai-600 009.



WEB COPY



W.P.(MD).No.16613 of 2023

3.The State Port Officer,  
The Tamil Nadu Maritime Board,  
No.171, 3<sup>rd</sup> and 4<sup>th</sup> Floor,  
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4.The Port Officer,  
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**W.P.(MD).No.16613 of 2023**

**L.VICTORIA GOWRI, J.**

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**W.P.(MD).No.16613 of 2023**

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