



W.P.(MD).No.18398 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18398 of 2022

R.Elangovan

... Petitioner

Vs.

The Commissioner,
Kumbakonam Corporation,
Kumbakonam.

... Respondent

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 of the respondent herein in Na.Ka.No.5004/2022/H.1, dated 01.07.2022 and quash the same as illegal and consequently directing the respondent to provide employment to the petitioner on compassionate ground within a time frame fixed by this Court.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.M.Rajarajan
Standing Counsel



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ORDER

The present writ petition has been filed to call for the records of the respondent herein in Na.Ka.No.5004/2022/H.1, dated 01.07.2022 and quash the same as illegal and consequently directing the respondent to provide employment to the petitioner on compassionate ground within a time frame fixed by this Court.

2. The petitioner's father Rajamanickam was working as Sanitary Worker in the Kumbakonam Municipality. While in service, he died on 01.04.1996. The petitioner's father was survived by the petitioner, his sister and mother. The petitioner's mother has already separated from the family and she was living alone. The petitioner made an application seeking compassionate appointment on 22.09.1998 within a period of 3 years from the date of death of the employee. However, his application seeking compassionate appointment was not considered. Hence, he made a reminder on 01.06.2022. The said reminder representation was considered and the impugned order came to be passed on 01.07.2022. The petitioner's application seeking compassionate appointment, dated 22.09.1998 was rejected on the ground that the application was not made within a period of 3 years. No doubt, the petitioner had made his application



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within 3 years from the date of death of the employee. By oversight, the respondent municipality has wrongly passed the impugned order.

3. This Court is inclined to quash the impugned order and consequently, direct the respondent to consider the petitioner's application seeking compassionate appointment, dated 22.09.1998 in the light of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Accordingly, the impugned order, dated 01.07.2022 is quashed.

4. In view of the above, this Writ Petition stands allowed. No costs.

02.08.2023

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

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To

The Commissioner,
Kumbakonam Corporation,
Kumbakonam.



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L.VICTORIA GOWRI, J.

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