



W.P.No.6817 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6817 of 2024

S.Sam Kevin Sylesh

...Petitioner

-Vs-

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai – 5.

2. The Municipal Administrative Zonal Director,
Tiruppur – 2.

3. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam,
Nilgiris District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 25.11.2023 and direct the first respondent to permit the petitioner to proceed with the appeal filed by the petitioner's father late K.Suresh dated 10.08.2016 against the order of dismissal from service in Na.Ka.No.3825/2012/C1 dated 24.05.2016.



WEB COPY



W.P.No.6817 of 2024

For Petitioner : Mr.K.A.Prabaharan
For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

This writ petition has been filed for direction directing the third respondent to consider the petitioner's representation dated 25.11.2023 and direct the first respondent to permit the petitioner to proceed with the appeal filed by the petitioner's father late K.Suresh dated 10.08.2016 against the order of dismissal from service in Na.Ka.No.3825/2012/C1 dated 24.05.2016.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's father was appointed as Water Supply Guard in the third respondent Municipality on 25.09.1991, on the basis of compassionate ground. Thereafter, the petitioner's father was promoted as Junior Assistant on 12.10.1995. While being so, the petitioner's mother died due to illness. Therefore, his father became mentally upset and he was unable to render his service before the third respondent. Therefore,



W.P.No.6817 of 2024

the petitioner's father was served with a charge memo and he was dismissed from service by an order dated 24.05.2016, on the file of the third respondent under Rule 3(8) of Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970, due to his unauthorized absence. Aggrieved by the same, the petitioner's father preferred an appeal before the first respondent on 10.08.2016. Pending appeal, his father also died due to cardiac arrest on 15.12.2016. Since the petitioner was minor, he was unable to pursue the appeal filed by his father.

4. Therefore, the petitioner submitted a representation seeking appointment on compassionate ground after attaining the age of majority. Thereafter, the petitioner also filed another representation to pursue the appeal filed by his father. However, it was rejected by the third respondent, on the ground that the petitioner had no locus standi to pursue the appeal. Now, the appeal is pending on the file of the first respondent.

5. Considering the above facts and circumstances of the case, the petitioner is permitted to pursue the appeal filed by his father as against the order of dismissal from service. The first respondent is directed to



W.P.No.6817 of 2024

dispose of the appeal, after giving an opportunity of hearing to the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

14.03.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
mn

To



W.P.No.6817 of 2024

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai – 5.
2. The Municipal Administrative Zonal Director,
Tiruppur – 2.
3. The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam,
Nilgiris District.

G.K.ILANTHIRAIYAN. J.

mn



WEB COPY



W.P.No.6817 of 2024

W.P.No.6817 of 2024

14.03.2024