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Writ Petition No.9442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9442 of 2023

D.Raghavendra Nath
S/o.Late M.Dhanasekar

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai - 600 003.

2.The Regional Joint Commissioner,
Central Zone,
Greater Chennai Corporation,
Shenoy Nagar Post,
Chennai - 600 030.

3.S.M.Geetha
D/o.Murugesan

4.Minor Sudargiri Venkat
represented by his mother S.M.Geetha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to appoint the petition on compassionate ground on the death of Late M.Dhanasekar formerly Assistant Engineer served in the Greater Chennai Corporation as per G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020 within a reasonable time.



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For Petitioner : Mr.K.Venkatramani, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.A.C.Manibharathi [R1 & R2]
Mr.P.Jegadeesan [R3 & R4]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 and 2 to appoint the petitioner on compassionate grounds.

2. The case of the petitioner is that his father late Dhanasekar entered service as an Assistant Engineer in the office of the Joint Commissioner, South Chennai. He married one Punitha and unfortunately, she died on 26.10.2015. The petitioner was born to the said Dhanasekar and Punitha.

3. The further case of the petitioner is that he is the only legal heir of Dhanasekar and even during the life time of Dhanasekar, he has nominated his wife Punitha for receiving the death cum gratuity benefits. Immediately after the demise of the father, the petitioner submitted his application on 21.05.2018 for appointment on compassionate grounds.

The petitioner was directed to submit all the relevant documents and the



petitioner also submitted all those documents. The third respondent is said to have married late Dhanasekar after the demise of the said Punitha.

Through that marriage, there is a minor child aged about 6 years. The third respondent also submitted an application seeking for compassionate appointment.

4. The second respondent called both the parties and tried to arrive at some settlement. However, there was no settlement and ultimately, the present writ petition has been filed before this Court for a direction to the Corporation of Chennai to appoint the petitioner on compassionate grounds.

5. The second respondent has filed a counter affidavit. The second respondent has taken a stand that both the petitioner and the third respondent have made their claim for compassionate appointment. Both of them were called and some attempts were made to amicably resolve the dispute. However, there was no agreement between the parties. The second respondent has taken a stand that the petitioner will be granted compassionate appointment only if the third respondent gives a 'No Objection Certificate'. The third respondent is not willing to give 'No



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Objection Certificate' and therefore, the stalemate continues without any final decision taken by the Corporation of Chennai.

6. The third respondent has filed a counter affidavit. In the counter affidavit, the third respondent has stated that the late Dhanasekar married the third respondent on 04.12.2016 after the demise of the first wife Punitha on 26.10.2015. The third respondent has further stated that the fourth respondent was born out of the wedlock on 07.10.2017. She has stated that the sudden demise of Dhanasekar had virtually put her life to distress without any support. Therefore, she has applied to the Corporation of Chennai requesting for compassionate appointment. She has taken a stand that she is the legally wedded wife of late Dhanasekar and she is fully eligible for appointment on compassionate ground. The third respondent has also stated that the petitioner has already withdrawn certain amounts immediately after the demise of late Dhanasekar and the third respondent is left in dire straits. Accordingly, the third respondent has sought for the dismissal of this writ petition.

7. Heard Mr.K.Venkatramani, learned Senior Counsel



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appearing for petitioner, Mr.A.C.Manibharathi, learned counsel for respondents 1 and 2 and Mr.P.Jegadeesan, learned counsel for respondents 3 and 4.

8. There is a dispute between the petitioner and the third respondent in securing compassionate appointment at Chennai Corporation. The petitioner is claiming his right for compassionate appointment on the ground that he is the son of the deceased through the first wife. The third respondent is claiming right for compassionate appointment on the ground that she is the legally wedded wife of late Dhanasekar.

9. It is unnecessary for this Court to deal with the issues raised by the petitioner and the third respondent and it must be left open to the concerned authority to take a decision on its own merits and in accordance with law.

10. In view of the above, without going into the merits of the case, there shall be a direction to the second respondent to deal with the claim made by the petitioner and the third respondent, after giving an



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opportunity to both parties, on its own merits and in accordance with law and in line with the relevant Government Orders and take a decision with regard to providing compassionate appointment either to the petitioner or to the third respondent. This process shall be completed by the second respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs.

21.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1. The Commissioner,
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2. The Regional Joint Commissioner,
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Greater Chennai Corporation,
Shenoy Nagar Post,
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N.ANAND VENKATESH, J



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