



WEB COPY



W.P.No.8879 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8879 of 2016

Sundari

...Petitioner

Vs.

1.The Managing Director

Metropolitan Director,
Corporation (Chennai) Lt.d,
Pallavan Salai
Chennai- 600 002.

2.The Senior Deputy Manager (HRD)

Metropolitan Director,
Corporation (Chennai) Lt.d,
Pallavan Salai
Chennai- 600 002.

3.Ramakrishnan

4.Radhakrishnan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,

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praying for issuance of Writ of Certiorarified Mandamus, praying to call for the records, relating to the impugned letter by the 2nd respondent in his office Ref: Letter No.565/Pa.Pi.(Pori)1/Ma.Po.Ka./2015, dated 05.09.2015 quash the same and direct the respondents to provide employment to the petitioner on compassionate ground as per the decree dated 10.07.2009 passed in O.S.No.448 of 2006 on the file of the District Munsif Court, Arni.

For Petitioner : Mr.P.Mani

For Respondents : Mr.R.Balaji for R1 &R2

ORDER

The father of the petitioner died on 02.02.1999 while working as a driver in the respondent/Corporation. In view of the same, the petitioner herein who is the daughter of the deceased/Marimuthu made a claim for compassionate appointment. However, the same entered into bad whether in view of the claims made by the respondents 3 and 4 herein, who are the second wife and daughter of the deceased/employee, resulting in civil litigation initiated by the petitioner herein by filing original Suit in O.S.No.448 of 2006 which was decreed in favour of the petitioner by judgment and decree dated 10.07.2009 and consequently E.P.No. 1 of 2010 came to be filed on the file of



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the District Munsif Court, Arni and in the said execution petition the respondent/Corporation have filed counter affidavit stating that the employment would be provided to the petitioner as per seniority and in view of the same, the petitioner has not chosen to pursue the said execution petition. Thereafter, the petitioner approached this Court by filing W.P.No.29756 of 2014 and this Court by an order dated 17.11.2014 directed the respondent/Corporation to consider the representation dated 11.08.2009 submitted by the petitioner and pass appropriate orders thereon. It is pursuant to the same, the respondent issued the impugned order dated 05.09.2015 requiring the petitioner to produce no objection from one Lakshmi and Rajeshwari, who are the second wife and daughter of the deceased Marimuthu.

2. Aggrieved by the said order dated 05.09.2015, the petitioner approached this Court by filing the present writ petition.

3. This Court after having heard the learned counsel for the petitioner and perusal of the counter affidavit is convinced that the action of the



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respondent in insisting for 'No Objection' from the above said Lakshmi and Rajeshwari is totally impermissible.

4.In the light of the prolonged civil litigation resulting in passing of the decree and filing of an execution petition by the petitioner herein, coupled with the stand of respondent in the said EP, the said Lakshmi and Rajeshwari, who are the parties to the Civil proceedings, in O.S.No.214 of 1991 on the file of the Court of the District Munsif, Arani, Tiruvannamalai District, can't have any claim or right to object for appointment of the petitioner on compassionate ground. The respondent herein being party to the civil proceedings as stated above, is not justified in insisting for production of No Objection from the second wife and daughter of the deceased employee.

5.In the circumstances, the impugned order cannot be sustained insisting the petitioner to produce No Objection from the said Lakshmi and Rajeshwari and accordingly, the impugned order is set aside and the matter is remanded back to the respondent/Corporation to pass orders in accordance with law, without insisting for 'No Objection'. The respondents are directed to



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pass appropriate orders as expeditiously as possible at any rate within a period of six weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands allowed. No costs.

13.11.2024

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1.The Managing Director

Metropolitan Director,

Corporation (Chennai) Lt.d,

Pallavan Salai

Chennai- 600 002.

2.The Senior Deputy Manager (HRD)

Metropolitan Director,

Corporation (Chennai) Lt.d,

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