



W.P.No.35167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

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

W.P.No.35167 of 2023

M.Kaleeswari

...Petitioner

Vs.

- 1.State of Tamilnadu,
Rep. by its Principal Secretary to Government,
Municipal and Water Supply Department,
Fort St.George, Secretariat,
Chennai 600 009
- 2.The Director,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028
- 3.The Regional Director of Municipal Administration,
Chelgalpattu @ Tambaram,
Tambaram,
Chennai 600 045
- 4.The Commissioner,
Nandhivaram Guduvancherry Municipality,
No.10, GST Road,
Nandhivaram Guduvanchery,
Chennai 603 202
Chengalpattu District

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders for



W.P.No.35167 of 2023

granting appointment to the petitioner to the post of Junior Assistant or Revenue Assistant in the fourth respondent Municipality in accordance with the qualification of the petitioner, based on the proposal forwarded by the fourth respondent Na.Ka.No.1220/2022/A1 dated 07.02.2023, in consideration of representation submitted by the petitioner dated 29.06.2022, with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Arumugam,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to consider the representation for appointing the petitioner to the post of Junior Assistant or Revenue Assistant in accordance with her qualification.

2. The father of the petitioner was employed as Sanitary Worker in Sayalkudi Town Panchayat, Ramanathapuram District. He expired while he was in service on 23.11.2013. The petitioner, being the elder daughter and qualified with B.Sc. (Information Technology), applied for compassionate ground appointment. On 31.03.2015, she was appointed to the post of Sanitary Worker with effect from 01.04.2015 on the ground that her father was



W.P.No.35167 of 2023

employed as Sanitary Worker and he served as Sanitary worker at the time of

his demise and as per GO.Ms.No.206, MAWS Department dated 02.11.1995,

the appointment to the post of Junior Assistant / Typist can be granted only to

the legal heirs of the deceased Town Panchayat Staffs working in the post of

Record Clerk / Office Assistant / Watchman and the post of Sanitary Worker /

Sweeper is not included in the Government Order. Therefore, the petitioner

submitted representation to appoint her in the post of Junior Assistant on the

basis of her qualification as number of vacancies now available to the post of

Junior Assistant and Revenue Assistant in the fourth respondent Municipality.

3. The learned counsel for the petitioner submitted that the Hon'ble Division Bench of this Court held in number of cases that the applicability of GO.Ms.No.206 dated 02.11.1995 to fill up the post of Junior Assistant on compassionate ground without considering the legal heirs of the deceased Sanitary Worker and Sweeper is arbitrary, illegal and it is directed to provide appointment in the post of Junior Assistant based on the qualification of the legal heirs of the deceased Sanitary Worker and Sweeper.

4. Heard, the learned counsel appearing on either side.



W.P.No.35167 of 2023

5. On perusal of records, it is seen that on receipt of the said representation, the fourth respondent also forwarded a proposal to the third respondent dated 07.02.2023 along with all documents related to the genuineness certificate of the educational qualification of the petitioner. However, the third respondent did not pass any order on the proposal sent by the fourth respondent so far.

6. Considering the above, the third respondent is directed to consider the representation of the petitioner and the proposal sent by the fourth respondent dated 07.02.2023 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

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

02.01.2024

Index : Yes/No
Internet : Yes/No
Speaking order/non-speaking order
lok



WEB COPY



W.P.No.35167 of 2023

To

- 1.Principal Secretary to Government,
State of Tamilnadu,
Municipal and Water Supply Department,
Fort St.George, Secretariat,
Chennai 600 009
- 2.The Director,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028
- 3.The Regional Director of Municipal Administration,
Chelgalpattu @ Tambaram,
Tambaram,
Chennai 600 045
- 4.The Commissioner,
Nandhivaram Guduvancherry Municipality,
No.10, GST Road,
Nandhivaram Guduvanchery,
Chennai 603 202
Chengalpattu District



WEB COPY



W.P.No.35167 of 2023

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.35167 of 2023

02.01.2024