



WP(MD) No.2642 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.2642 of 2024

R.Ashok Pandian

... Petitioner

Vs.

1.The Assistant Executive Engineer,
Public Works Department,
Buildings (C & M) Sub Division No.1,
Madurai.

2.Idhayakani

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the the 1st respondent to grant compassionate appointment to the



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petitioner by considering his representation dated 29.12.2023 and pass appropriate orders on merits and in accordance with law.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.M.Lingadurai – for R1

Special Government Pleader

Mr.P.Amavasai – for R2

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the 1st respondent to grant compassionate appointment to the petitioner by considering his representation dated 29.12.2023 and pass appropriate orders on merits and in accordance with law.

2. Heard Mr.M.Jerin Mathew, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader



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appearing for the first respondent and Mr.P.Amavasai, learned counsel appearing for the second respondent.

3. The petitioner's uncle Murugan was employed as Gardener in the first respondent's office. The said Murugan was married to one Jeya and they had no issues. Hence, they have adopted the petitioner. Thereafter, dispute arose between them and as such he divorced the said Jeya and married one Idhayakani. Due to extra marital affair, said Murugan had filed a divorce petition and during pendency of the same, he had committed suicide at the instigation of Idhayakani. After his demise, the petitioner being the adopted son was struggling. Hence, the petitioner had given a representation, dated 29.12.2023 to the first respondent seeking to appoint him on compassionate grounds. Since the said representation was not considered by the first respondent so far, the present writ petition has been filed.



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4. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Government Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 29.12.2023 on its own merits and pass



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appropriate orders in accordance with law, after getting objection from the second respondent, if any, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the first respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

07.06.2024

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

To

1.The Assistant Executive Engineer,
Public Works Department,
Buildings (C & M) Sub Division No.1,
Madurai.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.2642 of 2024

Dated:
07.06.2024