



W.P.(MD).No.2623 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2623 of 2024

Sudha

... Petitioner

Vs.

1.The Regional Director,
Municipal Administration,
Tirunelveli.

2.The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant compassionate appointment to the petitioner in any suitable post commensurate with petitioner's educational qualification by invoking Rule 17 of Tamilnadu Civil Services (Appointment on Compassionate Ground) Rules, 2023 on the basis of petitioner's representation dated 12.12.2023.



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For Petitioner : Mr.B.Muneeswaran

For Respondents : Mr.R.Ragavendran,
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to grant compassionate appointment to the petitioner in any suitable post commensurate with petitioner's educational qualification by invoking Rule 17 of Tamilnadu Civil Services (Appointment on Compassionate Ground) Rules, 2023 on the basis of petitioner's representation dated 12.12.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner's mother was working as a sweeper at the office of the Respondent. The petitioner's father predeceased her mother. While in service, the petitioner's mother passed away on 13.05.2022 and she was survived by the petitioner and her brother. The petitioner is a married lady. However, her husband was affected with the disease of Tuberculosis and he could not do any work as a normal person. In view of the same, the petitioner fully depended her mother for their routine life. The petitioner after the demise of her mother, has made an application for compassionate appointment with the office of respondent. The 2nd respondent forwarded the petitioner's application to the 1st respondent office. After considering the petitioner's representation, it was informed by the office of 2nd respondent through in Na.Ka. No.3482/2022/cl dated 14.11.2023 that her age is 42, hence compassionate appointment could not be provided. Therefore, the petitioner made a another representation dated 12.12.2023. Since the same was not considered by the respondents, the present Writ Peition came to be filed.



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4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. It is made clear that without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner dated 12.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition stands allowed. No costs.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Regional Director,
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Tirunelveli.
- 2.The Commissioner,
Kuzhithurai Municipality,
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L.VICTORIA GOWRI, J.

Sml

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