



WP(MD) No.4144 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.4144 of 2024

A.Rajesh Kumar

... Petitioner

Vs.

The Chairman

V.O.Chidambaranar Port Trust,

Thoothukudi 628 004,

Thoothukudi District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the petitioner for appointment on compassionate grounds in any suitable post commensurate with petitioner qualification.



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For Petitioner : Mr.P.Manojkumar

For Respondents : Mr.N.Dilip Kumar

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondent to consider the petitioner for appointment on compassionate grounds in any suitable post commensurate with petitioner qualification.

2. Heard Mr.P.Manojkumar, learned counsel for the petitioner, Mr.N.Dilip Kumar, learned counsel appearing for the respondent.

3. The petitioner is the son of deceased Alagarsamy, who was working as Winchman in the respondent office, who died in harness in the year 2012. However, his terminal benefits were



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not settled, since one Anthoniammal claimed that she was his wife.

A civil suit was filed and the claim made by the petitioner's mother for pension was allowed in her favour. The appeal and second appeal filed by the said Anthoniammal were also dismissed. In the meanwhile, the petitioner's mother had given a representation, dated 31.03.2023 to the respondent seeking to appoint the petitioner on compassionate grounds in any suitable post. Since the said representation was not considered by the respondent so far, the present writ petition has been filed.

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



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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 respondent herein to consider the petitioner's mother's representation dated 31.03.2022 on its own merits and pass appropriate orders in accordance with law, 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 respondent to consider the same on its own merits.



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

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

To

The Chairman
V.O.Chidambaranar Port Trust,
Thoothukudi 628 004,
Thoothukudi District.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.4144 of 2024

Dated:
07.06.2024