



WP(MD) No.4371 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.4371 of 2024

and

W.M.P(MD)No.4197 of 2024

R.Madhan

... Petitioner

Vs.

1.The Director of Municipal Administration,
MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.

2.The Regional Director of Municipal Administration,
Kochadai,
Madurai,
Madurai District.



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3. The Commissioner

Theni - Allinagaram Municipality,
Theni Post,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter in மூ.மு.எண்:1013/2021/அ2 dated 26.09.2022 issued by the 2nd respondent and the impugned notice in Na.Ka.No.0007/2021/C1 dated 13.10.2022 issued by the 3rd respondent and quash the same as illegal and consequently direct the respondents to consider the petitioner for appointment on compassionate ground to any post including any entry level post in the light of the legal heir certificate in D.Dis.5991/2026/A6 dated 07.12.2020 issued by the Tahsildar Theni and consolidated penury certificate dated 22.12.2020 issued by the Tahsildar, Theni.



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For Petitioner : Mr.K.Ponnaiah

For Respondents : Mr.N.Ramesh Arumugam – for R1 & R2

Government Advocate

Mr.G.Kaleeswaran – for R3

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned letter in மூ.மு.எண்:1013/2021/அ2 dated 26.09.2022 issued by the 2nd respondent and the impugned notice in Na.Ka.No.0007/2021/C1 dated 13.10.2022 issued by the 3rd respondent as illegal and consequently direct the respondents to consider the petitioner for appointment on compassionate ground to any post including any entry level post in the light of the legal heir certificate in D.Dis. 5991/2026/A6 dated 07.12.2020 issued by the Tahsildar Theni and consolidated penury certificate dated 22.12.2020 issued by the Tahsildar, Theni.



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2. Heard Mr.K.Ponnaiah, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 and 2 and Mr.G.Kaleeswaran, learned counsel appearing for the third respondent.

3. The third respondent passed an order on 13.10.2022 stating that the first wife of the deceased Ravi is working as a Sanitary Worker in the Municipality and hence, the petitioner cannot be given with compassionate appointment.

4. The petitioner claims himself as the son born through the second wife of the deceased. Even though, the impugned order has stated that the first wife is employed as a Sanitary Worker, the order does not state whether the petitioner is maintained by the first wife of the deceased and whether the petitioner and the first wife of the deceased are living under the



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same roof. Since the impugned order did not deal with any of the above aspects, the same is liable to be set aside.

5. In the result, the writ petition is **allowed** and the impugned letter in மு.மு.எண்:1013/2021/அ2 dated 26.09.2022 issued by the 2nd respondent and the impugned notice in Na.Ka. No.0007/2021/C1 dated 13.10.2022 issued by the 3rd respondent are set aside. The respondents are directed to reconsider the issue of the petitioner for compassionate grounds appointment in the line with the above observation and pass orders on its own merits and in accordance with law within a period of six weeks. No costs. Consequently, connected miscellaneous petition is closed.

07.06.2024

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



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R.N.MANJULA, J.

RM

Order made in
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