



WP(MD). No.6006 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.06.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.6006 of 2022

A.Nallathambi

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Municipal Administration and Water Supply,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Commissionerate of Municipal Administration and Water Supply,
Chepauk, Chennai-5.
3. The Commissioner,
Madurai Corporation, Madurai.
4. A.Balamurugan
5. The Tahsildar,
Madurai West, Madurai.
6. The Tahsildar,
Madurai South, Madurai.
*(R5 and R6 are suo-motu impleaded vide order
of this Court, dated 12.07.2023).*

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.1 to 3 to appoint the Petitioner as Sanitary Work or any other work on the basis of his education qualification on compassionate ground with the Respondent No.3 Office by considering his representation, dated 26.12.2021 with consequential benefits within the time stipulated by this Court.

For Petitioner : Mr. P.Paranthaman

For Respondents : Mr.J.Ashok for R1 and R2
Additional Government Pleader
Mr.TR.Jeyapalam for R4
Ms.S.Devasena for R3

ORDER

Heard Mr.P.Paranthaman, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader, for the respondents and the learned counsel for the respondents 3 and 4.

2.This writ petition has been filed for a direction to the respondents to appoint the petitioner as Sanitary Worker or any other worker on the basis of his educational qualification on compassionate ground with the respondent No.3 by considering his representation, dated 26.12.2021 with consequential benefits.



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3. The petitioner herein had given a representation on 26.12.2021 to the respondents for considering his compassionate appointment pursuant to the death of his father, who died on 23.12.2019. Since the said representation was not considered by the respondents so far, the present writ petition has been filed.

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 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 Statutory 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.



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6. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 26.12.2021, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, 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 case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs.

06.06.2024

NCC : Yes/No

Index : Yes/No

RR



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R.N.MANJULA, J.

RR

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