



WP.(MD).No.6875 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6875 of 2024

B.Hariram

... Petitioner

Vs.

1.The Commissioner,
Sales and Commercial Tax Department,
Ezhilagam,
Chennai 600 005.

2.The Joint Commissioner (State Tax),
Tirunelveli Division,
Tirunelveli.

3.The Joint Commissioner (State Tax),
Virudhunagar Division,
Virudhunagar.

4.The Deputy Commissioner(State Tax),
Commercial Tax Office,
Sivakasi,
Virudhunagar.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide suitable employment opportunity to the petitioner on compassionate ground in accordance with law on the basis of the petitioner's application dated 05.12.2023.



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For Petitioner
For Respondents

: Mr.E.Mareeskumar
: Mr.J.John Jeyakumar
Government Advocate

ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to provide suitable employment opportunity to the petitioner on compassionate ground in accordance with law on the basis of the petitioner's application dated 05.12.2023.

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

The petitioner's father one Balamurugan was working as a Sanitary Worker in the fourth respondent office since 01.05.1992. While in service, he passed away on 06.04.2023. Thereafter, on 15.06.2023, the Tahsildar, Sivakasi Taluk had issued an integrated certificate recommending the case of the petitioner for appointment on compassionate ground. The said Balamurugan is survived by the petitioner, his parents, son and daughter. All the



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legal heirs have also issued No Objection Certificate in favour of the petitioner. The fourth respondent on receiving the petitioner's application for compassionate appointment dated 28.11.2023 has not passed any order so far. The representation of the petitioner was received by the second respondent and the same has been forwarded to the third respondent on 11.12.2023. Despite the same, it was not considered. Hence, the Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and carefully perused the entire 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



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Constitution of India.

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6.Considering the limited scope of relief sought for by the petitioner, without going into merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated 05.12.2023, seeking appointment on compassionate ground and pass appropriate order in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

20.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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