



W.P.(MD).No.6552 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.03.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.6552 of 2024**

I.Kuthalaselvi

...Petitioner

**Vs.**

1.The Assistant Director of Town  
Panchayats,  
Tirunelveli Region,  
Tirunelveli.

2.The Tahsildar,  
Tenkasi,  
Tenkasi District.

3.The Executive Officer,  
Special Grade Town Panchayat,  
Courtalam,  
Tenkasi District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to implement the directions of the 1<sup>st</sup> respondent issued in Na.Ka.No. 2641/2023/Pa4, dated 15.05.2023 for the petitioner's appointment on compassionate ground as Guest House Watchman, in the light of the Integrated



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Certificate issued by the 2<sup>nd</sup> respondent in Certificate No.Pa.Mu.Aa 7/2034 /2021, dated 21.08.2021 and considering the petitioner's representation dated 15.11.2023.

For Petitioner : Mr.L.Shaji Chellan

For R-1 & R-2 : Mr.S.Shaji Bino,  
Special Government Pleader

For R-3 : Mr.V.Nirmal Kumar

### **ORDER**

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

2. The present writ petition has been filed seeking direction to the 3<sup>rd</sup> respondent to implement the directions of the 1<sup>st</sup> respondent dated 15.05.2023 for the petitioner's appointment on compassionate ground as Guest House Watchman, in the light of the Integrated Certificate issued by the 2<sup>nd</sup> respondent dated 21.08.2021 and to consider the petitioner's representation dated 15.11.2023.



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

(i) The petitioner's father Thiru.C. Iyyappan was employed as a watchman in the Guest House of the 3<sup>rd</sup> respondent. While he was in service, he passed away on 01.05.2021. He was survived by the petitioner, her mother and her brother. On 11.06.2021, the petitioner made an application to the 3<sup>rd</sup> respondent seeking appointment as watchman on compassionate grounds. Following which, the 3<sup>rd</sup> respondent, through his proceeding dated 14.06.2021, directed the petitioner to produce certificates such as Death Certificate of the employee, Legal Heir Certificate of the employee, Integrated Certificate from 2<sup>nd</sup> respondent, No Objection from the other legal heirs and the petitioner's educational certificates etc. Pursuant to the said proceedings of the 3<sup>rd</sup> respondent dated 14.06.2021, the petitioner made an application to the 2<sup>nd</sup> respondent requesting him to issue an Integrated Certificate for appointment on compassionate grounds. After detailed enquiry, the 2<sup>nd</sup> respondent issued the petitioner with an Integrated Certificate for compassionate appointment dated 21.08.2021.



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(ii) Following which, the petitioner submitted all the certificates required by the 3<sup>rd</sup> respondent. Thereafter, the 3<sup>rd</sup> respondent through his proceedings, dated 26.04.2023, submitted a proposal to the 1<sup>st</sup> respondent for her appointment as Guest House Watchman. The 1<sup>st</sup> respondent through his proceedings dated 15.05.2023 directed the 3<sup>rd</sup> respondent to appoint the petitioner by following the terms of G.O.Ms.No.18 Labour and Employment (Q1) Department, dated 23.01.2020. However, the petitioner was not appointed. Hence, this writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully 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



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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. Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the 3<sup>rd</sup> respondent to implement the directions of the 1<sup>st</sup> respondent dated 15.05.2023 in the light of the Integrated Certificate issued by the 2<sup>nd</sup> respondent dated 21.08.2021 and consider the petitioner's representation dated 15.11.2023 in the line of G.O.Ms.No.18 Labour and Employment (Q1) Department, dated 23.01.2020 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.

7. Accordingly, this Writ Petition stands disposed of. No costs.

**18.03.2024**

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



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To

1.The Assistant Director of Town  
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Tirunelveli Region,  
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2.The Tahsildar,  
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**L.VICTORIA GOWRI, J.**

Sml

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