



W.P.(MD)No.5789 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.5789 of 2023

P.Chinnathampi

... Petitioner

Vs.

1. The District Collector,
Dindigul, Dindigul District.

2. The Commissioner,
Dindigul Corporation Office,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the second respondent herein in his proceedings in Na.Ka.No. 405/2022/H2 dated 10.02.2023 and quash the same as illegal and consequently direct the second respondent to issue compassionate appointment to the petitioner.

For Petitioner : Mr.G.Ganesh Kumar

For R-1 : Mr.N.Ramesh Arumugam,
Government Advocate

For R-2 : Mr.J.Lawrance



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ORDER

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Heard Mr.G.Ganesh Kumar, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the first respondent and Mr.J.Lawrance, learned Standing Counsel appearing for the second respondent.

2. It is a strange petition where the petitioner has filed an application seeking for compassionate appointment on the death of his mother on 20.03.2015. The mother of the petitioner was working as Sanitary Worker in the second respondent Corporation and she died on harness. In the impugned order, it is stated that the petitioner's brother viz., V.Muniyandi has already been given an appointment on compassionate grounds due to the death of the petitioner's mother. Hence, the petitioner cannot seek another appointment on compassionate grounds.

3. Mr.G.Ganesh Kumar, learned counsel appearing for the petitioner submitted that even though the petitioner's brother was given with an appointment on compassionate ground, he also died on 04.10.2021. It is unfortunate that the petitioner's brother was unmarried at the time of his death and the appointment order of the brother was released on 06.12.2021. Since the



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appointment order has been given to the deceased person, in all fairness, the respondents ought to have considered the claim of the petitioner and pass orders.

4. In view of the above, this Writ Petition is **allowed** and the impugned order passed by the second respondent in his proceedings in Na.Ka.No. 405/2022/H2, dated 10.02.2023, is set aside and the matter is remanded back to the file of the second respondent and the second respondent is directed to consider the application submitted by the petitioner positively and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order by considering the extraneous circumstances involved in this matter and also by considering the claim of the petitioner. It is reiterated that the earlier appointment given to the petitioner's brother was not enjoyed, since the appointment itself has reached the family after the death of the beneficiary. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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R.N.MANJULA, J.

TSG

To
The District Collector,
Dindigul, Dindigul District.

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