



W.P.(MD)No.13810 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13810 of 2023

M.Pattathi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tirunelveli District.

2.The Tahsildar,
Office of the Tahsildar,
Tirunelveli Taluk,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give the petitioner on compassionate appointment for the death of her father, late G.Murugan, who died while in service as Village Assistant at Naranamalpuram-2 Village in Tirunelveli District as per the proceedings in Na.Ka.AA6/17207/2010 dated . 03.2013 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.M.Lingadurai,
Special Government Pleader



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ORDER

Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. This Writ Petition has been filed seeking a direction to the respondents to give employment to the petitioner on compassionate grounds.

3. The petitioner's father died on 30.09.2010 while he was working as Village Assistant at Naranamalpuram-2 Village, Tirunelveli District. After the death of his father, the petitioner's mother made an application seeking appointment on compassionate grounds for her brother. But due to a criminal case pending against her brother, he was arrested. Thereafter, the petitioner's mother sent another application to the respondents to provide employment under compassionate grounds to the petitioner herein. In the year 2017, the second respondent sent a communication to the petitioner stating that recommendation has been forwarded to the first respondent and steps are being taken to give appointment to the petitioner on compassionate grounds. But, unfortunately, the petitioner's mother died in the year 2021 and till now, the



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petitioner has not been given with any appointment on compassionate grounds.

Aggrieved over the same, the petitioner has filed this Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Government 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 Government 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 direction to consider the representation of the petitioner within a specified time frame.

5. In view of the above, the Writ Petition is **disposed of** with a direction to the first respondent herein to consider the proceedings in Na.Ka.AA6/17207/2010 dated03.2013 and pass appropriate orders on its own merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has



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not gone into the merits of the claim of the petitioner and it is open to the first

respondent to consider the same on its own merits. No costs.

10.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The District Collector,
Office of the District Collector,
Tirunelveli District.

2.The Tahsildar,
Office of the Tahsildar,
Tirunelveli Taluk,
Tirunelveli.



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R.N.MANJULA, J.

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