



W.P.(MD).No.12931 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12931 of 2024

E.Muthuram

...Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and
Water Supply Department,
Chennai – 600 009.

2.The Director,
Directorate of Municipal Administration,
Urban Administrative Building,
Raja Annamalaipuram,
M.R.C.Nagar,
Chennai – 600 028.

3.Tirunelveli Municipality Corporation,
Represented by its Commissioner,
Tirunelveli Municipality Corporation Office,
Tirunelveli 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 respondents to provide employment to the petitioner under the compassionate ground due to death of his father Late Elango.



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For Petitioner : Mr.R.J.Karthick
For R-1 and R-2 : Mr.M.Lingadurai
Special Government Pleader
For R-3 : M/s.M.Anitha
Standing Counsel

ORDER

Heard Mr.R.J.Karthick, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 and 2 and M/s.M.Anitha, learned Standing Counsel for the 3rd respondent.

2. This Writ Petition has been for issuance of Writ of Mandamus, seeking direction against the respondents to provide employment to the petitioner under the compassionate ground due to death of his father Late Elango.

3. Mr.R.J.Karthick, learned counsel for the petitioner submitted that the petitioner's father namely Elango, who was working as a Driver under the third respondent Corporation, died on 05.09.2021 while he was in service. Subsequent to the death of his father, the petitioner's



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mother namely Shanmugathai has submitted an application on 07.09.2001 before the third respondent Corporation seeking compassionate appointment to her. In view of inordinate delay that has taken place in considering her application and in due course, the petitioner's mother also fell ill. She also submitted another application to substitute the petitioner for compassionate appointment.

4. The learned counsel for the petitioner submitted that the third respondent has returned to the authorities concerned to condone the delay involved in submitting the application of substituting the petitioner for compassionate appointment and that is still pending. But it is also stated that the third respondent has sought certain documents from the petitioner's mother and the application is under process.

5. It is understandable that the delay is on the part of the authorities who has kept the petitioner's mother application pending without any order, until she became ill. After the death of the petitioner's father, the family has lost the sole bread winner and subsequent to the illness suffered by the petitioner's mother, the petitioner's family condition has further deteriorated. If the respondents



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do not pass any orders on the compassionate application submitted by the petitioner's mother and thereafter substitute the petitioner and for the same, the petitioner's family will suffer irreparable loss. Even if the petitioner has filed an application after he attained majority in the year 2017, that can be only superfluous, because his mother herself has been retaining the application on his behalf even much earlier.

6. So, it is up to the respondents to consider the petitioner for appointment under compassionate scheme and pass orders on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. In view of the above stated reasons, this Writ Petition is **disposed of**. No costs.

18.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:
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R.N.MANJULA, J.

Nsr

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