



W.P.(MD).No.14866 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14866 of 2023

and

W.M.P.(MD)No.12548 of 2023

A.Sasika

...Petitioner

Vs

1.The Chief Engineer,
Highways Department,
Chepauk,
Chennai.

2.The Divisional Engineer (Highways),
Construction and Maintenance,
Pudukkottai – 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in Letter No.3590/2008/A1 dated 22.02.2021, quash the same and consequently direct the respondents to appoint the petitioner under compassionate ground in the light of the judgment in W.P.(MD)No.5720 of 2010 dated 17.01.2013 and W.P.(MD)No.5375 of 2016 dated 12.11.2019.



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For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.J.Ashok
Government Advocate

ORDER

Heard Mr.R.Paranjothi, learned counsel for the petitioner and Mr.J.Ashok, learned Government Advocate for the respondents.

2. This Writ Petition has been filed seeking to quash the order of the second respondent dated 22.02.2021 and consequently direct the respondents to appoint the petitioner under compassionate ground in the light of the judgment in W.P.(MD)No.5720 of 2010 dated 17.01.2013 and W.P.(MD)No.5375 of 2016 dated 12.11.2019.

3. Mr.R.Paranjothi, learned counsel for the petitioner submitted that having got a direction from this Court in W.P.(MD).No.5375 of 2016 dated 12.11.2019 to consider the representation for appointment under compassionate scheme, the respondents have sent a letter dated 22.02.2021 by citing the same reason for which his application has been rejected already.



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4. Mr.J.Ashok, learned Government Advocate for the respondents submitted that the letter dated 22.02.2021 cannot be considered as an order of the authority.

5. As rightly stated by the learned Government Advocate, it is only a letter wherein the respondents had reiterated their stand which they have taken during the Writ Petition proceedings. It is right that the Writ Appeal filed by the Government also dismissed and as against the same, they have filed a Review Petition and the same is pending. Since there is no order of stay has been passed to stay the operation of the order already granted in W.P.(MD)No.5375 of 2016, the petitioner is at liberty to file a Contempt Petition for non compliance of the orders already issued. The petitioner need not consider the impugned letter dated 22.02.2021 as an order of any authority and hence that can be ignored. As stated already, it is up to the petitioner to initiate contempt proceedings, if she is so advised.



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No costs. Consequently, connected miscellaneous petition is closed.

21.06.2024

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

To:

- 1.The Chief Engineer,
Highways Department,
Chepauk,
Chennai.
- 2.The Divisional Engineer (Highways),
Construction and Maintenance,
Pudukkottai – 2.



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R.N.MANJULA, J.

Nsr

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