



W.P.(MD)No.17929 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17929 of 2022

E.Jebaraj

... Petitioner

vs.

1.The President,
Q.703, Kalaiyarkarisalkulam Primary Agricultural
Co-operative Society,
Kalaiyarkarisalkulam Post,
Aruppukkottai,
Virudhunagar District.

2.The Assistant Registrar,
Q.703, Kalaiyarkarisalkulam Primary Agricultural
Co-operative Society,
Aruppukkottai,
Virudhunagar District.

3.The Joint Registrar,
Co-operative Society,
Office of the Joint Registrar,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying this Court to issue a Writ of Mandamus to direct the first



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respondent to appoint the petitioner on the basis of compassionate ground in any one of the Posts in the respondent Department by considering the representation of the petitioner's mother dated 09.03.2022.

For Petitioner :Mr.A.Nallathambi Raj

For R-3 :Mr.Senthil Ayyanar,
Government Advocate

ORDER

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus to direct the first respondent to appoint the petitioner on compassionate ground in any one of the Posts in the respondent Department by considering the representation of the petitioner's mother, dated 09.03.2022.

2. The petitioner's father, who was working as a 'Cashier' in the respondent Department, died on 02.08.2019 when he was in service. Immediately thereafter, on 27.08.2020, the mother of the petitioner made a representation to the respondents 2 and 3, seeking to provide appointment to any one her children on compassionate ground. Since the



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said representation was not considered, once again, on 09.03.2022, the mother of the petitioner made a representation to the respondents seeking to provide appointment to the petitioner on compassionate ground. Since no order has been passed on the said representation, the present writ petition has been filed.

3. 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 him 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 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 a direction to consider the representation of the petitioner within a specified time frame.



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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the representation of the petitioner's mother dated 09.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

06.06.2024

NCC: Yes/No
Index : Yes/No

PM



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R.N.MANJULA, J.

PM

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