



W.P.(MD)No.21511 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.21511 of 2022

M.Muthuvel

... Petitioner

Vs.

The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to consider the representation of the petitioner dated 11.03.2020 in person for compassionate appointment in any post of the respondent Corporation.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.B.Ramanathan,
Standing Counsel

ORDER

Heard Mr.K.Appadurai, learned counsel appearing for the petitioner and Mr.B.Ramanathan, learned Standing Counsel appearing for the respondent.

2. Mr.K.Appadurai, learned counsel appearing on behalf of the petitioner submitted that the father of the petitioner late.V.Murugan was employed as



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‘Field Assistant’ in the Sub Station, Periyakulam, TANGEDCO and passed away on 07.07.1997 while he was in service by leaving behind the petitioner’s sisters and mother as legal representatives of the deceased V.Murugan. He further submitted that the petitioner’s father was the sole breadwinner of the family and on account of the sudden demise, the family was in penury. Thus, the mother of the petitioner made an application before the respondent seeking compassionate appointment to her on 05.02.1998 and the same was not considered by the respondent. Thereafter, the sister of the petitioner made an application before the respondent seeking compassionate appointment to her, but the same was not considered by the respondent. Thereafter, the petitioner had given a representation to the respondent on 11.03.2020 to consider her application. Since the said representation has also not been considered by the respondent, 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 Statutory Authority, there is a duty cast upon the respondent 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 Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had



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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 respondent is required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the respondent herein to consider the petitioner's representation dated 11.03.2020 and pass appropriate orders on 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 not gone into the merits of the claim of the petitioner and it is open to the respondent to consider the same on its own merits. No costs.

06.06.2024

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

The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni.



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R.N.MANJULA, J.

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