



W.P.(MD)No.23869 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.23869 of 2022

M.Karunamoorthy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Electricity Department,
Fort St. George,
Chennai.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation,
144 Annasalai,
N.P.K.R.R.Maligai, Chennai - 2.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Barathinagar,
Ramanathapuram.
4. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thiru Uthirakosamangai,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give appointment to the petitioner on compassionate ground for the death of petitioner's father late



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M.Muthu who died while in service under the respondent in accordance with law within the time stipulated by this Honourable Court.

For Petitioner : Mr.S.Malaikani

For R-1 & R-2 : Mr.M.Lingadurai,
Special Government Pleader

For R-3 & R-4 : Mr.B.Ramanathan,
Standing Counsel

ORDER

Heard Mr.S.Malaikani, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for respondent Nos.1 and 2 and Mr.B.Ramanathan, learned Standing Counsel appearing for respondent Nos.3 and 4.

2. This Writ Petition has been filed seeking direction to the respondents to give appointment to the petitioner on compassionate ground for the death of the petitioner's father M.Muthu, who died while he was in service under the respondents.

3. The petitioner had already filed Writ Petition in W.P.(MD).No.5179 of 2011 seeking direction to the respondents to give compassionate appointment to the petitioner in view of the death of his father on 10.08.2006 and this Court



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vide order dated 29.04.2011 directed the first respondent to consider the representation submitted by the petitioner dated 07.12.2009 and pass appropriate orders on merits and in accordance with law within a period of eight weeks. Since the same was not acted upon, the petitioner has once again filed this Writ Petition seeking direction against the respondent to consider and pass appropriate order on his application.

4. It is needless to state that the Writ Petition in W.P.(MD).No.5179 of 2011 filed by the petitioner seeking similar relief, a direction has been given to the Respondents. But the Department is keeping the file pending without passing any orders. In the event of violation of earlier orders of this Court, the petitioner's remedy lies only by way of Contempt Petition.

5. Mr.M.Lingadurai, learned Special Government Pleader appearing for respondent Nos.1 and 2 would submit that there is no instructions as to whether the earlier application of the petitioner is still pending or not.

6. In such cases, the respondents have to clarify whether the file is still pending or not and if so, the respondents are directed to dispose of the same immediately without taking the risk of facing the contempt proceedings.



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7. In view of the above, the Writ Petition is **disposed of** with a direction to the respondents to verify whether the file is still pending or not and if so, to pass orders on the representation made by the petitioner on 07.12.2009 on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

06.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1. The Secretary,
State of Tamil Nadu,
Electricity Department,
Fort St. George,
Chennai.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation,
144 Annasalai,
N.P.K.R.R.Maligai, Chennai - 2.



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R.N.MANJULA, J.

TSG

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