



W.P.(MD)No.24262 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.24262 of 2023 &
W.M.P.(MD)Nos.20439 and 20440 of 2023

M.Ragu

... Petitioner

VS.

1.The State of Tamilnadu,
Rep. by its Secretary,
Department of Municipal Administration and
Water Supply,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Commissionerate of Municipal Administration
and Water supply,
Chepauk, Chennai - 5.

3.The Commissioner,
Palani Municipality, Dindigul District

... Respondents

(Address of R3 is amended vide Court order dated 11.10.2023 in W.M.P.
(MD)No.20899 of 2023 in W.P.(MD)No.24262 of 2023)

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the entire
records pertaining to the impugned order passed by the third respondent



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dated 28.09.2021 in Na.Ka.No.4720/2021/H1, quash the same as illegal and consequently, direct the respondents to appoint the petitioner as Sanitary Worker or in any other post on the basis of his educational qualification on compassionate grounds with consequential benefits with the third respondent Palani Municipality, Dindigul District within the time stipulated by this Court.

(Prayer amended vide Court order dated 11.10.2023 in W.M.P.(MD)No. 20899 of 2023 in W.P.(MD)No.24262 of 2023)

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent on 28.09.2021 in



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Na.Ka.No.4720/2021/H1, quash the same and consequently, direct the respondents to appoint him as a Sanitary Worker or in any other post on the basis of his educational qualification on compassionate grounds within a stipulated time.

3. The petitioner's father who worked as a Sanitary Worker in the third respondent Municipality died on 22.11.2016 while in service. Subsequently, the petitioner has made an application to the third respondent on 30.12.2016 seeking compassionate appointment. In pursuance thereof, the third respondent has sent a communication to the petitioner on 01.03.2017 asking him to produce certain documents. However, the petitioner has submitted the documents only on 23.09.2021. Hence, vide impugned order dated 28.09.2021, the third respondent has returned the application stating that the petitioner has not duly submitted his application for appointment on compassionate ground within a period of three years from the date of death of his father. Challenging the same, the present writ petition is filed.



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4. In fact, the impugned order dated 28.09.2021 is not a final order, it is only a return endorsement. The third respondent has asked the petitioner to submit certain documents vide communication dated 01.03.2017. In such a case, the petitioner ought to have submitted all the documents within a reasonable time. However, he has submitted those documents only on 23.09.2021. The delay on the part of the petitioner can only be considered as his indifference in seeking appointment on compassionate grounds. But, it is up to the petitioner to offer any possible explanation as to why he could not comply the requirement of submitting necessary documents in response to the letter dated 01.03.2017 within a reasonable time.

5. Even though the delay can be a reason for rejection, but, it cannot be stated that the petitioner's application is barred by three years limitation. Initially, the petitioner had filed an application on 30.12.2016 immediately after the death of his father. If the petitioner could re-present the application along with the required documents atleast within a period of two weeks from the date of receipt of a copy of this



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order, the third respondent might be able to re-consider the same and pass appropriate orders on merits.

6. In view of the above observations, the writ petition is **disposed of** and the petitioner is given with a liberty to re-submit the application along with all the requisite documents within a period of two weeks from the date of receipt of a copy of this order and the third respondent is directed to re-consider the same on merits and pass appropriate orders in accordance with law within a period of four weeks thereon. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

mbi



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To

- 1.The Secretary,
Department of Municipal Administration and
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Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Commissionerate of Municipal Administration
and Water supply,
Chepauk, Chennai - 5.
- 3.The Commissioner,
Palani Municipality, Dindigul District



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R.N.MANJULA, J.

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