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W.P.No.4768 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.4768 of 2025

G.Dinesh

...Petitioner

-Vs-

- 1.The Public Information Officer,
Director of Municipal Administration Office,
No.75, Santhome High Road, MRC Nagar,
Chennai – 2.
- 2.The Appellate Authority (Right to Information),
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 28.
- 3.The State Information Officer,
State Information Office, Government Pannaillam,
Post Box No.6405, Nandanam, Chennai – 5.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 3rd respondent to act on the 2nd appeal of the petitioner dated 13.03.2024 and in prescribed format dated 28.06.2024 and consequently to take proper action to furnish the information claimed by the petitioner forthwith along with suitable damages and pass such further orders.



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For Petitioner : Mr.P.I.Thirumoorthy
For R1 & R2 : Mr.M.S.Prem Kumar
Government Advocate
For R3 : Mr.C.Vigneswaran

ORDER

This writ petition has been filed to direct the 3rd respondent to act on the 2nd appeal of the petitioner dated 13.03.2024 and in the prescribed format dated 28.06.2024 and consequently to take proper action to furnish the information claimed by the petitioner forthwith along with suitable damages

2. The case of the Petitioner is that her mother, namely Kalarani, worked as a sanitary worker at Karur Municipality and died on 11.10.2020 while she was in service. The Petitioner preferred an application to the 1st respondent office on 19.07.2021 through the Commissioner of Karur Municipality seeking for compassionate appointment.

3. The Petitioner approached the 1st respondent on 20.11.2023 under 6(1) of the RTI Act seeking to furnish answers to his questions on whether he can be provided an appointment in municipal service based on his



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educational qualification under compassionate appointment in any of the Municipalities available in Tamil Nadu.

4. Learned counsel appearing for the petitioner would submit that the particulars were not furnished by the 1st respondent even after the lapse of time prescribed under the Act and therefore, the Petitioner preferred an application to the 2nd respondent seeking to provide the particulars on 08.01.2024. But the 2nd respondent herein furnished the irrelevant reply/particular on 31.01.2024, stating that since the Karur municipality has been upgraded as a Corporation, appointments will be provided based on seniority when the vacancy arises, which is contrary to the questions of the Petitioner.

5. It is submitted that the petitioner preferred the 2nd appeal / revision to the 3rd respondent on 13.03.2024, and the same was duly acknowledged. But the 3rd respondent insisted to prefer the 2nd appeal in the prescribed format, pursuant to which the Petitioner complied with their request and submitted the 2nd appeal in the prescribed format to the 3rd respondent on 28.06.2024. Since the 3rd respondent did not take action on his 2nd appeal



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dated 13.03.2024, the Petitioner once again sent the reminder on 11.11.2024.

Since the 3rd Respondent has not taken any action so far, the Petitioner has approached this court by filing the present Writ Petition.

6. Learned counsel for the petitioner submitted that there is an emergency for the reason that only if the information sought for by the petitioner is furnished, application for appointment on compassionate ground can be submitted.

7. Learned counsel appearing for the 3rd respondent would submit that the 2nd appeal filed by the petitioner has been numbered as 8771/D/2024 and will be taken only as per the seniority.

8. Heard both sides and perused the materials available on record.

9. Without going into the merits of the case, the third respondent is directed to consider the 2nd appeal filed by the petitioner on merits, in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.



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In the result, the **writ petition stands disposed of with the above observations and direction.** No costs.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

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