



W.P.No.10807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.10807 of 2023

Karunakaran

... Petitioner

vs.

1. The District Collector,
Thirupathur,
Thirupathur District.

2. The Special Thasildar,
Adhi Dravidar Welfare Department,
Thirupathur, Thirupathur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to consider the representation dated 30.07.2021 and give appointment to the petitioner on compassionate ground.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.M.Rajendiran
Additional Government Pleader.



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ORDER

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This writ petition has been filed to issue a writ of Mandamus directing the respondents to consider the representation of the petitioner dated 30.07.2021 and give appointment to the petitioner on compassionate ground.

2. It is the case of the petitioner that his father died while working as Cook in the Government Boarding School, Pudur Nadu, Nellialai Hills Village, Thirupathur Taluk, Thirupathur District under the 2nd respondent on 13.12.2012 leaving behind petitioner's family. Thereafter, the petitioner's mother submitted application to the respondents for appointment on the compassionate ground on 30.07.2013. The 2nd respondent sent a letter dated 31.07.2013 to his mother to appear before him with necessary documents. The petitioner appeared and submitted all the documents before the 2nd respondent along with no objection given by legal heirs. Since no action has been taken by the first respondent, the petitioner sent a representation to the respondents on 28.07.2021 and the same is still pending.



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3. The learned counsel for the petitioner further submitted that the representation of the petitioner dated 30.07.2021 to the respondents and the same was not considered. Hence, the petitioner has come forward with the present writ petition.

4. A counter affidavit filed by the second respondent on 06.07.2023. The learned Additional Government Pleader appearing for the respondents submitted that pursuant to the communication dated 31.07.2013 of the second respondent, the petitioner and his mother appeared before the second respondent and submitted only the death certificate of the deceased employee namely, Desingu and the objections of the other legal heirs. But, since they were not having the legal heirs certificate as on date, the same was not produced before the second respondent.

5. The learned Additional Government Pleader further submitted that one Lakshmi has filed a suit in O.S.No.125 of 2014 on the file of the District Munsif Court, Uthangarai for the relief of declaration to declare her as she is the daughter of deceased Desingu and also mandatory



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injunction against the Tahsildar not to issue legal heir certificate. The said suit was filed against the petitioner's family and against one Rani, who is the claimant was stated as wife of Desingu and the said suit was dismissed on 19.03.2018.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials available on records.

7. In the case on hand, the petitioner's father died in the year 2012 and the petitioner has filed an application for compassionate ground within one year i.e. on 30.11.2013 but he has not submitted the application along with relevant documents which is the legal heir certificate of his father. There is a rival claim between one Rani who is the wife of Desingu and the petitioner's mother namely, Malliga. The petitioner has not submitted the legal heirs certificate till date and the reasons for that is the suit which was pending between the petitioner's mother and her daughter one Lakshmi which got dismissed only on 19.03.2018.



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8. In view of the above facts and circumstances of this case, this Court directs the first respondent, District Collector to consider the representation of the petitioner dated 30.07.2021 on merits, in accordance with law, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

9. This writ petition stands disposed of with the above observations and directions. No costs.

08.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

1. The District Collector,
Thirupathur,
Thirupathur District.
2. The Special Thasildar,
Adhi Dravidar Welfare Department,
Thirupathur, Thirupathur District.



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