

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No.21630 of 2000

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ORDER:

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No representation on behalf of the petitioner in spite of listing the matter under dismissal caption.

Heard learned counsel for the respondents 1 to 3 and perused the record.

The present writ petition is filed seeking issuance of Writ of Mandamus declaring the letter No.3843/MKtg.I(1)/2000-2, dated 06-06-2000 of the 1st respondent and the memo No.SWC/E1/2764/99 dated 26-06-2000 issued by the 2nd respondent are arbitrary and violative of principles of natural justice.

The petitioner, who was appointed as an attendar in 2nd respondent-Corporation in the year 1960, developed a defect to his vision and as such he was not able to do his job perfectly.

On 05-08-1996, the petitioner submitted a representation to the 2nd respondent i.e. Managing Director, Andhra Pradesh State Warehousing Corporation, Hyderabad informing about his sickness and requesting him to appoint his son in the Corporation on compassionate grounds. He placed on record the medical certificate in support of the same. It is stated that though he made representation in the year 1996, there was no positive response from the respondent-Corporation. Hence, he submitted another representation on 14-05-1999 to the 2nd respondent. On that, the 2nd respondent issued a memo to the 3rd respondent vide Memo No.SWC/E1/2764/99 to submit the details of son of the petitioner. As per said memo, the petitioner submitted details of his son to the 2nd respondent and

thereafter on 25-08-1999, the 3rd respondent sent details to the 2nd respondent. It is further stated that

the 2nd respondent issued memo No.SWC/E1/2764/99 to the petitioner informing that as per G.O.Ms.No.309, dated 04-07-1985, compassionate appointment can be given only if the Government Servant retires from service on medical invalidation before five years of attaining the age of superannuation and as the petitioner has not retired from service and as his balance of service is only 4 ½ years, his son's case cannot be considered for providing employment on compassionate grounds as per said G.O. The petitioner submitted another representation on 14-02-2000 to the 2nd respondent stating that he has applied for voluntary retirement on the grounds of medical invalidation on 05-08-1996 itself and requested to calculate five years service from the year 1996 and to extend the benefit of G.O.Ms.No.309 to him.

It is further stated that the 1st respondent herein issued a letter to the 2nd respondent informing that mere submission of application eight years before the age of superannuation will not make the employee to claim the benefit as he is not having five years of balance of service before attaining the age of superannuation and his request to take first date of application i.e. 05-08-1996 for completing his left over service cannot be complied with. Basing on the letter issued by the 1st respondent, the 2nd respondent issued a memo dated 26-06-2000 to the petitioner rejecting the request on the ground that mere submission of application by employee eight years before his superannuation will not make him eligible then to avail the benefit as he will not be having five years of service at present before attaining the age of superannuation as per the terms of G.O.Ms.No.309, dated 04-07-1985. Challenging the same, the present writ petition is filed.

Learned Government Pleader for State Ware Housing Corporation submits that the petitioner continued in service and retired after attaining the age of superannuation. In said circumstances, the question of giving appointment on compassionate grounds at this point of time would not arise. Apart from that, a reading of G.O.Ms.No.309, dated 04-07-1985 would show that the benefit of compassionate appointments shall be confined to the cases where Government servants retire on medical grounds five years before

attaining the age of supernnuation irrespective of the age of superannuation prescribed for the posts and service. The case of the petitioner does not fall within the parameters laid down in G.O.Ms.No.309. Therefore, on this score also, the petitioner is not entitled for the relief.

Hence, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

_____ C.PRAVEEN KUMAR,J

01-10-2015

Nvl