

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.5212 of 2015

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ORDER:

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Heard the learned counsel appearing for the petitioners and the learned Government Pleader for GAD.

The petitioners' application for compensation and benefit under G.O.Ms.No.50, General Administration (SC.A) Department, dated 21-02-2014 was rejected on the ground that the application of the petitioners is time barred. The identical issue was already considered by this Court in W.P.No.39079 of 2014 and the said writ petition was allowed by order, dated 12-02-2015, by observing as follows:-

After hearing the learned counsel for the petitioner and the learned Government Pleader for General Administration, it is evident that the G.O.Ms.No.50 itself was issued on 21.02.2014, hence, petitioner's application dated 05.11.2014 ought to have been considered on its own merits, as the scheme under the aforesaid G.O. itself was not in force on the date on which the husband of the petitioner was killed by extremists. Moreover, the said G.O. is in continuation of G.O.Ms.No.469 dated 08.11.1996; G.O.Ms.No.76 dated 04.03.1998 and G.O.Ms.No.504 dated 11.08.2008. Apart from that, clause 8 of the G.O. merely states that District Collectors/Superintendents of Police shall take necessary action to see that these orders are communicated to the families of the civilians, who are killed in extremist violence and who have not been provided with employment and obtain applications within a period of three months. Thus, the time limit of three months is not prescription as to limitation and is only a direction given to the District Collectors/ Superintendents of Police to obtain necessary applications from those who are in need of extension of the benefit of the scheme. It cannot, therefore, be said that the

applicants must apply within three months if they are to avail the benefit of the said scheme. The interpretation placed by the second respondent on the said G.O. and issuance of rejection memo, which is impugned herein, are, therefore, clearly unsustainable. Hence, the impugned memo is set aside and the matter is remitted back to the second respondent for consideration of the application of the petitioner in terms of the scheme under the aforesaid G.O. and on merits of the case of the petitioner and appropriate decision shall be taken within a period of three (3) months from the date of receipt of a copy of this order.

In view of the same, this writ petition is allowed by observing as follows:-

After hearing the learned counsel for the petitioners and the learned Government Pleader for General Administration, it is evident that the G.O.Ms.No.50 itself was issued on 21.02.2014, hence, petitioners application dated 27.11.2014 ought to have been considered on its own merits, as the scheme under the aforesaid G.O. itself was not in force on the date on which Late Davva Raji Reddy, the husband of the 1st petitioner and father of petitioners 2 and 3, was killed by extremists. Moreover, the said G.O. is in continuation of G.O.Ms.No.469 dated 08.11.996; G.O.Ms.No.76 dated 04.03.1998 and G.O.Ms.No.504 dated 11.08.2008. Apart from that, clause 8 of the G.O. merely states that District Collectors/Superintendents of Police shall take necessary action to see that these orders are communicated to the families of the civilians, who are killed in extremist violence and who have not been provided with employment and obtain applications within a period of three months. Thus, the time limit of three months is not prescription as to limitation and is only a direction given to the District Collectors/Superintendents of Police to obtain necessary applications from those who are in need of extension of the benefit

of the scheme. It cannot, therefore, be said that the applicants must apply within three months if they are to avail the benefit of the said scheme. The interpretation placed by the second respondent on the said G.O. and issuance of rejection memo, which is impugned herein, are, therefore, clearly unsustainable. Hence, the impugned memo is set aside and the matter is remitted back to the second respondent for consideration of the application of the petitioners in terms of the scheme under the aforesaid G.O. and on merits of the case of the petitioners and appropriate decision shall be taken within a period of three (3) months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

03.03.2015

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