HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.20545 OF 2015

DATE:08.07.2015

BETWEEN:

Katikireddy Dileep Kumar ..
Petitioner

And

The TSRTC, rep. by its MD, Hyderabad and three others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.20545 OF 2015

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ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus declaring the action of the respondents in not considering the case of petitioner for appointment under the bread winner scheme, in pursuance of death of his father in harness as illegal, unjust, contrary to law, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India and consequently to direct the respondents to consider the petitioner's case for compassionate appointment to a suitable post.

2. Heard the leaned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents/Corporation.

3. The father of the petitioner worked in the respondents' Corporation as cleaner till 20.09.1984 and subsequently he was terminated from service without assigning any reasons. On that, his father raised industrial dispute before the Labour Court. The Industrial Tribunal passed an Award in I.D.No.117 of 1989 setting aside the order of termination and ordered reinstatement of petitioner with continuity of service and attendant benefits, however, denying back wages. Pursuant to the Award, the petitioner's father was reinstated into service on 21.04.1992 with continuity of service. Aggrieved by the Award, the respondents-Corporation filed W.P.No.5077 of 1992 and the said writ petition was dismissed confirming the award passed by the Industrial Tribunal. Subsequently, the petitioner's father worked for more than 12 years but died in harness on 16.06.1994 leaving behind him the petitioner's mother, sister and the petitioner as legal representatives.

4. Subsequent to the death of the petitioner's father, the petitioner's mother submitted a representation in the year 1995 seeking compassionate appointment and the same was not considered on the ground that at the time of death of the petitioner's father, the petitioner was minor. According to the

petitioner, the petitioner has been continuously pursuing the matter with the respondents seeking compassionate appointment. It is submitted by the petitioner that he did not receive any additional monetary benefits. Therefore, he filed several representations with the Corporation and the last one being 09.05.2014 requesting to provide compassionate appointment under bread winner scheme.

5. Under these circumstances, the writ petition is disposed of with a direction to the respondents to consider the representation, dated 09.05.2014 submitted by the petitioner for providing him the appointment on compassionate grounds in a suitable post subject to his eligibility as per Bread Winner Scheme of the respondents Corporation within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, filed in this writ petition shall stand closed.

R.KANTHA RAO, J

Date:08.07.2015
ccm

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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