

HON'BLE SRI JSUTICE R.KANTHA RAO

Writ Petition No.15552 of 2015

ORDER:

This writ petition is filed seeking to declare the action of the respondents in rejecting the application of the petitioner vide Memo dated 17.10.2008 as arbitrary and illegal and consequently to direct the respondents to provide suitable employment to the petitioner without reference to Clause 4 of G.O.Ms.No.504, dated 11.8.2008 issued by the first respondent.

2. The brief facts of the case are that the father of the petitioner died in extremist violence on 18.01.1990. While so, G.O.Ms.No.469, dated 8.11.1996, was issued by the first respondent-Government deciding to provide employment to the dependants of the civilians, who died in extremist violence. Thereafter, G.O.Ms.No.76, dated 4.3.1998 was issued by the first respondent, wherein some relaxations have been given. Subsequently, the first respondent issued G.O.Ms.No.504, dated 11.8.2008 and Clause (3) of the said G.O. provides the benefit of appointment to the dependents of the deceased killed in extremist violence prior to 26.2.1996. Pursuant thereto, the petitioner made an application on 3.10.2008 to the second respondent seeking appointment on compassionate grounds. The second respondent vide Memo dated 17.10.2010 rejected the case of the petitioner on the ground that the petitioner was minor as on the date of death of his father. The grievance of the petitioner is that by virtue of G.O.Ms.No.504, dated 11.8.2008, he is entitled for appointment on compassionate grounds.

3. The contention of the respondents that the petitioner is not entitled for appointment on compassionate grounds as he has not completed the age of 16 years as on the date of death of his father, who died in extremist violence, cannot be accepted.

4. Dealing with similar issue, learned Single Judge of this Court

in '*P.Lakshmi Ramana and others v. Union of India*^[1]', held as under:

“At any rate, what becomes relevant is the age of the candidate as on the date of appointment. The petitioner acquired right to submit application only in the year 2008 and it is nobody's case that she needs any relaxation of age as on the date of her application.

Hence, the writ petition is allowed and the impugned order is set aside. The 3rd respondent is directed to pass appropriate orders on the application of the petitioner by treating her as not requiring the relaxation of age limits, within two months from the date of receipt of a copy of this order.”

5. Aggrieved by the said order, the respondents therein filed W.A.No.69 of 2012 and the Division Bench of this Court confirmed the order passed by the learned Single Judge. Challenging the same, the matter was carried to Apex Court and the same was also dismissed. Thus, respondents cannot contend that the petitioner is not entitled for appointment on compassionate grounds.

6. In view of the above, the Writ Petition is allowed and the respondents are directed to provide employment to the petitioner on compassionate grounds within two months from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

R.KANTHA RAO, J

Date: 11.06.2015
BSS

HON'BLE SRI JUSTICE R.KANTHA RAO

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Date: 11.06.2015

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