

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.2669 OF 2003

Dated 14-12-2015

Between:

V.Ashok Kumar.

..Petitioner.

And:

The District Collector, Adilabad and another.

..Respondents.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.2669 OF 2003

ORDER:

This writ petition is filed to declare order of second respondent dated 7-10-2002 as illegal, arbitrary and violative of Articles 14, 16 and 21 of Constitution of India.

Petitioner herein submitted application dated 17-1-2000 for compassionate appointment. When the same is not disposed of, he filed writ petition before this court and this court directed the respondents to dispose of the representation of the petitioner and on that, second respondent passed orders on 7-10-2002 wherein, he recorded that the petitioner during his interview before the Project Officer, ITDA, Utnoor stated that he is running an auto and considering the same as the petitioner is already earning, he cannot be considered for compassionate appointment and accordingly rejected the claim of the petitioner, on the ground that he is an earning member. Aggrieved by the said order, present writ petition is filed.

According to petitioner, consequent to the sudden death of his wife, it has become difficult to eke out his livelihood and also to maintain two minor children and that

he is in dire need of employment.

Counter is filed on behalf of respondent-Project Officer disputing the contentions raised by the petitioner. In the counter, it is stated that the petitioner appeared before the Project Officer, ITDA, Utnoor for interview on 17-1-2000 and before him, he stated that he is running an auto, and earning for his sustenance. It is also stated in the counter, after the death of Smt. Late Ramadevi, petitioner herein again married Smt. Nagu Bai and not looking after the welfare of two minor children who approached District Court, by way of O.P.No.1014 of 1999 for the pensionary benefits.

No reply affidavit is filed disputing the facts stated in the counter.

Heard both sides.

Advocate for petitioner submitted that second respondent without properly enquiring as to the means of the petitioner unilaterally rejected petitioner's claim for compassionate appointment and the same has to be set aside.

On the other hand, learned counsel for the respondents submitted that petitioner married another lady and not looking after the welfare of the children, therefore, he is not entitled for any mercy and that the second respondent rightly rejected the claim of the petitioner as he was a earning member.

I have perused the material papers including the impugned order dated 7-10-2002.

Second respondent clearly recorded in his order that the petitioner who appeared for interview before Project Officer, I.T.D.A., Utnoor stated that he is running auto and earning for his sustenance and considering the same, as he was a earning member, rejected the claim for compassionate appointment.

This aspect namely running auto and earning money is not disputed in the affidavit filed in support of the

writ petition. Nothing is stated by the petitioner in his affidavit about the correctness of the finding recorded by second respondent with regard to his earnings. Further, when it is stated in the counter that petitioner married another lady and not looking after the welfare of the children born to him through his first wife, Ramadevi, no reply affidavit is filed disputing the said fact.

Considering these aspects, I am of the view that the second respondent has not committed any error and that there is no illegality in the order, rejecting the claim of petitioner for compassionate appointment.

For these reasons, this writ petition is dismissed as devoid of merits. No costs.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE

S.RAVI KUMAR

Dated 14-12-2015.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs