

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.35952 of 2014

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan) The only ground on which the order of the A.P.A.T is subjected to challenge is that the subsequent enquiry made by the Government revealed that the 1st respondent/applicant was working as a Teacher in the Primary Section, she was drawing Rs.5,000/- per month, and her husband was drawing Rs.10,000/- per month. As these facts were not brought to the notice of the A.P.A.T., we see no reason to examine this contention for the first time in proceedings under Article 226 of the Constitution of India. The fact, however, remains that even if the earlier order of rejection was found to be illegal, the A.P.A.T. could not have issued a mandamus to the petitioners herein to appoint the 1st respondent/applicant in any suitable post on compassionate grounds, and the only relief which could have been granted is to direct the petitioners to reconsider the 1st respondent/applicant's case for compassionate appointment in accordance with the applicable scheme or any law made in this regard.

To the limited extent the A.P.A.T. directed the respondents to appoint the 1st respondent/applicant in any suitable post, the impugned order is set aside. The petitioners shall re-consider the 1st respondent/claimant's case for compassionate appointment in accordance with the scheme/law in force, at the earliest and in any event not later than four (4) weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

20th January 2015.
JSU

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