

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.23411 of 2014

ORDER:

1 . The 1st petitioner is the wife and the 2nd petitioner is the son of the deceased driver who worked in the respondent corporation. The driver died on 06.06.2009. He left behind him the 1st petitioner and three sons. The 1st petitioner submitted an application on 05.01.2010 to the 2nd respondent requesting him to provide employment on compassionate grounds to the 2nd petitioner. But, in view of the ban imposed by the Government, additional monetary benefit was offered by the Corporation. The said additional monetary benefit was not received by the petitioners. When the petitioners came to know that the ban was lifted in the year 2013, the 2nd petitioner again submitted an application on 09.06.2014 to the 2nd respondent duly enclosing no objection certificate from the 1st petitioner and other brothers. The said application was rejected by the 3rd respondent by order dated 04.07.2014 on the ground that the application was submitted beyond the period of five years. Challenging the said order, the present writ petition is filed.

2 . A counter-affidavit was filed on behalf of the respondents stating that the 2nd petitioner submitted an application for appointment on compassionate grounds to

the 3rd respondent on 09.06.2014. Since the said application was filed beyond the period of five years, the application was returned to the petitioners.

3. There is no answer from the respondents with regard to the application made by the 1st petitioner on 05.01.2010. The respondents also did not state with regard to the ban prevailing immediately after the death of the father of the 2nd petitioner. It is clear from the facts that after the ban was lifted, the 2nd petitioner submitted an application on 09.06.2014 and even if the period of five years is calculated, there is a delay of only three days which in the normal circumstances, for consideration of the cases for appointment on compassionate grounds should have been exempted. But, the 3rd respondent returned the application filed by the 2nd petitioner under Bread Winner Scheme in lieu of additional monetary benefit. This Court finds that the return of the application is arbitrary and illegal and consequently the 3rd respondent is directed to consider the application of the 2nd petitioner as if the said application was filed within the prescribed period and process the same for appointment on compassionate grounds as per the qualification possessed by the 2nd petitioner. The 2nd petitioner shall resubmit the application in view of return of the application on 04.07.2014 within a period of two weeks from the date of receipt of a copy of this order. It is needless to observe that the 3rd respondent shall take

necessary steps within a period of three months thereafter.

3. The Writ Petition is accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

13-07-2016
Gsn