

addressed letter dated 16-10-2012 to respondent No. 2 to provide compassionate appointment to the petitioner No. 2. While the application of petitioner No. 2 was pending, petitioner No. 1, the younger son of the deceased employee, sent application dated 01-03-2014. Respondent No. 3 has again sent his recommendation to respondent No. 1 for appointing petitioner No. 1. As no decision was taken on either of the two applications by respondent No. 1, the petitioners approached the Tribunal by the above mentioned O.A. The Tribunal has, however, taken upon itself the task of deciding the applications of the applicants on merits and held that since petitioner No. 2 was aged 42 years by the time of his father's death, he was not entitled to the appointment in view of the upper age limit of 35 years fixed under G.O.Ms.No. 1867 Revenue (VA) Department dated 11-11-2011 and that petitioner No. 1 is equally ineligible for appointment as he has made his application beyond one year of his father's death.

4. In our opinion, it was not necessary for the Tribunal to dwell into the merits of the case when the grievance of the petitioners was only limited to non-disposal of their applications by respondent No. 1. The question whether the petitioners' applications should be treated as the one filed within time, having due regard to the fact that petitioner No. 2, who is no other than the elder brother of petitioner No. 1, has made his application within time, is an aspect which needs to be considered by respondent No. 1.

5. For the above mentioned reasons, the order of the Tribunal is set aside. Respondent No. 1 is directed to consider the applications of the petitioners on their own merits after notices to them, pass appropriate order and communicate the same to the petitioners within one month from the date of receipt of a copy of this order. The Writ Petition is allowed to the extent indicated above.

6. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 23474 of 2016 stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 16-06-2016.

JSK