

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION NO.11475 OF 2016

ORDER:

The petitioner states that her husband joined the service of the respondent corporation as driver in the year 1986 and he worked continuously as such till his death on 12-08-2011. He left behind him, the petitioner and two sons as his legal heirs. The sons of the petitioner are prosecuting studies. The deceased was the only earning member in the family. She submitted a representation for appointment on compassionate ground in pursuance of which, she was issued a letter on 17-10-2014 to attend the office on 28-10-2014 along with necessary certificates. When no orders were passed, she submitted a representation in the year 2015 and ultimately, the 2nd respondent served an order, dated 30-03-2016 on 02-04-2016 informing her that the requisite height for the post of conductor is 146 cms, where as she is 144 cms, less by 2 cms. The Departmental Selection Committee recommended to seek relaxation of the height from the competent authority. When the case of the petitioner was referred to the Corporate Office, the competent authority has not conceded to the relaxation request. Accordingly, an order was passed requesting the petitioner to avail additional monetary benefit in lieu of employment. Challenging the letter, dated 30-03-2016, the present writ petition is filed.

2. In spite of time taken on 07-04-2016 and 28-04-2016, no counter affidavit is filed.

3. Learned counsel appearing for the petitioner placed reliance on an order in W.P.No.11087 of 2014,, dated 09-06-2014 and an order of a Division Bench of this Court in W.A.No.1458 of 1999, dated 14-10-1999 and submits that the learned single judge of this Court in the said writ petition directed to consider the case of the petitioner therein without insisting for fulfilling the height norm as the height of the woman will be less than that of the height of a man and the same yardstick shall not be applied to the woman. In the instant case also, the Departmental Selection Committee advised for relaxation of the height norm, but the competent authority without proper reasons refused to relax the said norm. In the circumstances, this Court is inclined to set aside the impugned order, dated 30-03-2016 and accordingly it is set aside and the matter is remanded to the respondents 1 and 2 for consideration of the case of the petitioner for appointment on compassionate ground within a

period of three months from the date of receipt of a copy of this order.

4. Accordingly, the writ petition is allowed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 09-06-2016

Hsd