

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.43039 of 2016

O R D E R:

Heard counsel for the petitioner, the Government Pleader for Services appearing for respondents 1 & 2, Sri P.Keshava Rao, Standing Counsel for respondents 3 & 4 and Sri N.Praveen Kumar, Standing Counsel for 5th respondent.

2. Petitioners, whose relatives worked as NMRs in the 5th respondent-Municipality, seek appointment on compassionate ground.

3. Petitioners herein initially approached the respondents seeking compassionate appointment, but the respondents rejected the same prompting the petitioners to file O.A.No.5460 of 2015 and batch.

4. By order dt.23.09.2015, the A.P. Administrative Tribunal, Hyderabad directed consideration of the cases of the petitioners for compassionate appointment as per their seniority in terms of G.O.Ms.No.118 Finance & Planning Department, dt.18.08.1999 as and when their turn arises, without overlooking their seniority.

5. After the said order was passed, the 1st respondent issued a Memo dt.03.09.2016 to consider the cases of the petitioners by placing them before the District Level

Committee constituted vide G.O.Rt.No.566 Municipal Administration, dt.11.08.2016 and the 3rd respondent also by proceedings dt.28.09.2016 gave a similar direction.

6. Counsel for the petitioner contends that G.O.Rt.No.566 dt.11.08.2016 has no application to the petitioners and would only apply prospectively and the petitioners cannot be subjected to the procedure prescribed in G.O.Rt.No.566 for consideration of their cases for appointment on compassionate grounds.

7. The Government Pleader for Services however contended that G.O.Rt.No.566 dt.11.08.2016 can also be applied to the cases of the petitioners.

8. I am unable to agree with the submissions of the Government Pleader for the reason that the said G.O.Rt.No.566 would have only prospective operation and cannot apply to the cases of the petitioners, whose kith-and-kin are employed as NMRs in the 5th respondent-Municipality and who were died prior to the issuance of said G.O.Rt.

9. Therefore, the respondents are directed to consider the cases of the petitioners for compassionate appointment in terms of G.O.Ms.No.118, dt.18.08.1999 within a period of eight (08) weeks from the date of receipt of a copy of this order, without reference to the G.O.Rt.No.566, dt.11.08.2016, and communicate their decision thereon to the petitioners.

10. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

13th December, 2016

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