

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

WRIT PETITION No.42864 of 2016

O R D E R:

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

2. Petitioner seeks compassionate appointment as legal heir of his deceased father, who had worked as NMR in the erstwhile Ramachandrapuram Gram Panchayat, which was upgraded into Municipality and thereafter merged with the 3rd respondent-Corporation on 16.04.2007.

3. Petitioner contends that his father was eligible and qualified for regularization of services as per G.O.Ms.No.212 dt.22.04.1994 since he completed more than 5 years of service as on the cutoff date and he died on 22.06.2007.

4. The petitioner made a representation on 03.01.2008 to the 4th respondent for providing compassionate appointment invoking G.O.Ms.No.118 dt.18.08.1999. No orders were passed thereon.

5. He made another representation dt.23.04.2013 and when there was no response from the respondents, he filed O.A.No.4749 of 2013 before the A.P. Administrative Tribunal.

6. The Tribunal disposed of the said OA on 25.06.2013 directing the respondents to consider petitioner's representation and pass appropriate orders within six weeks.

7. The 4th respondent addressed a letter dt.29.07.2015 to the 3rd respondent giving the vacancy position and the matter is hanging there without further progress. Petitioner, therefore, seeks a direction to the respondents to consider his case for compassionate appointment as per G.O.Ms.No.118 dt.18.08.1999.

8. The Government Pleader for Services appearing for respondents 1 and 2 however places reliance on G.O.Rt.No.566, dt.11.08.2016 where under the Government directed constitution of a Committee under the Chairmanship of Commissioner, GHMC for scrutinizing and recommending all proposals for regularization.

9. The said G.O.Rt.No.566 dt.11.08.2016, in my considered, cannot have any retrospective operation.

10. Since the application of the petitioner is long prior to the said G.O.Rt., the respondents shall consider the case of the petitioner 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 petitioner.

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

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

M.S.RAMACHANDRA RAO, J

13th December, 2016

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