

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31852 OF 2017

O R D E R :

The case of the petitioner is that his father was expired on 29.10.2013 while in service in R&B Department as Gangman, NH Sub Division, Nirmal, Nirmal District; and that after the death of his father he submitted application dated 17.09.2014 to the 4th respondent seeking compassionate appointment. While so, the 6th respondent issued Memos dated 21.01.2015 and 10.09.2015 regarding submission of relevant documents, as there was some short fall in submitting application by the petitioner. Thereafter the petitioner complied with all the objections and submitted all the relevant and necessary certificates on 23.11.2015. But the respondents without considering the same have raised objections stating that the petitioner has not submitted application in complete shape within stipulated time i.e. one year from the date of death of his father, as per G.O.Ms.No.687 (Ser.A) Department, dated 03.10.1977. Aggrieved by the same present writ petition is filed.

Learned counsel for the petitioner denied the contention of the respondents that the petitioner filed application beyond one year, as the petitioner filed application on 17.09.2014 which is within limitation. He also submits that when respondents issued Memos dated 21.01.2015 and 10.09.2015

regarding submission of relevant documents, the petitioner resubmitted the application along with necessary documents on 23.11.2015. The petitioner originally submitted the application on 17.09.2014 i.e. within one year from the date of death of his father.

Heard learned Assistant Government Pleader for Services.

It is to be seen that originally the petitioner submitted application on 17.09.2014 seeking compassionate appointment. Thereafter, the 6th respondent issued Memos regarding submission of relevant documents as there was some short fall in submitting the application by the petitioner. It is also admitted fact that the petitioner resubmitted the application in complete shape by enclosing all the required documents on 23.11.2015. As such, it cannot be said that the petitioner submitted application beyond one year as the petitioner submitted his application on 17.09.2014 at the first instance. More so, for grant of compassionate appointment, the respondents cannot take hyper technical view of the matter without considering the application of the petitioner.

In view of the above, the writ petition is allowed directing the respondents to consider the application of the petitioner, in accordance with Rules, within a period of eight

(8) weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

04.10.2017
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