

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33727 of 2013

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents in not considering the application made by the petitioner for compassionate appointment due to the death of his father, while in service on 15.03.1989 in terms of G.O.Ms.No.612, General Administration (Services-A) Department, dated 30.10.1991 on par with G.O.Ms.No.373, Home (Police-C) Department, dated 04.05.1994, as illegal and arbitrary.

3. The averments in the writ petition would show that the father of the petitioner died on 15.03.1989, while working as a Constable in Illanthakunta Police Station in Karimnagar District. At that time, the petitioner was aged about 14 years. It is stated that the mother of the petitioner submitted an application on 02.05.1989, before the third respondent, seeking to provide employment to the petitioner on compassionate grounds on attaining the age of majority. Another representation was also made in the year 1995, but however, the third respondent vide memo No.A1/ 109/ 1959/ 93, dated 10.10.1995, informed that the case of the petitioner could not be considered for compassionate appointment as he has not attained age of majority, within two years from the death of the father of the petitioner. Challenging the same, O.A.No.6416 of 1995 came to be filed by the petitioner. Vide order dated 17.12.1997, the said O.A. was disposed of directing the petitioner herein to submit a detail representation to the third respondent within a period of four weeks from the date of receipt of a copy of the order, in which event, the third respondent was directed to consider the same within a period of three months thereafter. The third respondent advised to make a detailed representation and

accordingly the same was submitted. But subsequently, the third respondent rejected the request for appointment on compassionate grounds. Further, in the memo dated 08.10.2013, it was stated that the petitioner's plea for compassionate grounds has already been rejected by the Government and detail remarks were sent to C.O. in response to the representation received from the petitioner and the further action from the Government is pending. It is stated that no action has been taken till date, though the remarks and proposals were sent to the Government way back in the month of May, 2012. The inaction on the part of the respondents, is the cause for filing the present writ petition.

4. Learned counsel for the petitioner would submit that a direction may be given to the Government to pass appropriate orders, in view of the memo dated 08.10.2013, wherein it is clearly stated that further action would be taken only on receipt of orders from the Government.

5. Though no counter is filed, the learned Government Pleader for Home would submit that as no order is passed by the Government, a direction may be given for passing of orders basing on the remarks sent by the C.O., if not already passed.

6. Having regard to the above, the writ petition is disposed of directing the first respondent to pass appropriate orders on the basis of the remarks dated 08.10.2013, if not already passed, within a period of eight weeks from the date of receipt of a copy of the order and thereafter the third respondent shall take appropriate steps basing on the order passed by the Government. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

26.04.2017
vnb