

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.5447 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not appointing the petitioner on compassionate grounds, as illegal and arbitrary.

3. The petitioner claims to have passed S.S.C. examination in the year 1991 and also intermediate in the year 1996. The father of the petitioner by name Victor Joseph who was an employee of Southern Power Distribution Company Limited, worked as L.D.C. for long period and passed away on 02.11.2004, leaving behind his wife and two sons. Subsequent to the death of his father, the petitioner made a representation seeking appointment in any suitable posts, on compassionate grounds. The said application was returned informing the petitioner the following reasons:

1. "1. No earning member certificate is not enclosed.
2. Column No.6 of the application is not filled properly.
3. Undertaking letter and consent letter is not attested by the competent authority."

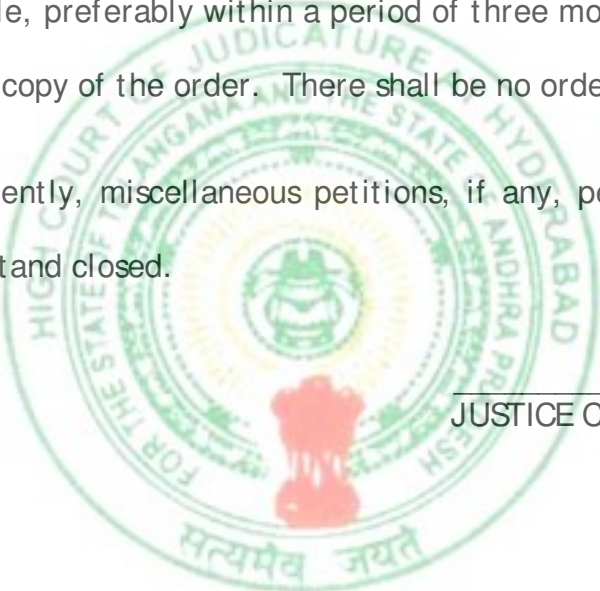
4. It is the case of the petitioner that immediately thereafter, he complied with the above said objections, but till date, no orders were passed.

5. On the other hand, learned counsel for the respondents filed counter stating that the petitioner is not entitled for compassionate appointment as his mother who is living separately, is an employee in Medical Department and as such the petitioner is not entitled for appointment on compassionate grounds. Referring to B.P.Ms.No.119,

dated 10.02.1982 of APSEB as adopted by the APSPDCL, it is stated that the petitioner is entitled only if there is no earning member in his family. Since the petitioner's mother is an employee, the petitioner is not entitled for the relief claimed by him. The said facts are disputed by the learned counsel for the petitioner stating that his mother is living separately, took voluntary retirement and as such has nothing to do with the petitioner.

6. Having regard to the disputed facts raised, the writ petition is disposed of directing the respondent-authorities to consider the representation made by the petitioner and pass orders in accordance with law, after hearing the petitioner and the aggrieved persons, if any, as early as possible, preferably within a period of three months from the date of receipt of a copy of the order. There shall be no order as to costs.

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



JUSTICE C. PRAVEEN KUMAR

17.04.2017
vhb