

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 26112 OF 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings Memo No.415/E3/RDDH/2014, dated 01.11.2016 by not considering the case of the petitioner for compassionate appointment and insisting the petitioner to submit 'No Objection Certificate' from her husband's first wife's son, who is missing and not traced till date, as illegal and arbitrary.

It is the case of the petitioner that her husband worked in the respondent Department as a Compounder and his services were regularized with effect from 05.01.2002 in the category of Compounder (Unani). That her husband died on 15.04.2010 while in service and left behind herself, one year baby and first wife's son by name J.Sandeep Kumar. That subsequent to the death of the husband of the petitioner, she made representation on 28.07.2016 seeking employment on compassionate grounds in suitable post. She also made another representation on 25.01.2017 for compassionate appointment. That her husband's first wife's son namely J.Sandeep Kumar also made representation to the respondent for compassionate appointment and that the

same was rejected on the ground that the he was minor at the time of death of her husband. That the said J.Sandeep Kumar left the house and not returned to home till date and that she lodged complaint before the Station House Officer, Ghatkesar Police Station on 07.01.2017 as man missing case. Now, the 2nd respondent issued impugned proceedings insisting the petitioner to submit No Objection Certificate from her husband's first wife's son J.Sandeep Kumar. Aggrieved by the same, present writ petition is filed.

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

Learned counsel for the petitioner submits that the petitioners' husband's first wife's son was missing and complaint was also lodged before the SHO, Ghatkesar Police Station on 07.01.2017 and that his whereabouts are not known, as such, No Objection Certificate could not be obtained from him and that she will given an undertaking that as and when he comes and claims compassionate appointment, she is willing to forego the said appointment, without any further enquiry and that she will file an affidavit before the authorities to the said aspect.

In view of above facts and circumstances, the respondents are directed to consider the case of the petitioner, in accordance with Rules in force, for appointment on compassionate grounds, without insisting for NOC from

her husband's first wife's son namely J.Sandeep Kumar on the condition of her giving an undertaking that she will forego compassionate appointment in case said J.Sandeep Kumar claims compassionate appointment.

Accordingly, this writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY,J

11-08-2017
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Date: 11.08.2017

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