

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HON'BLE SRI JUSTICE M. GANGA RAO

+ W.P.NO.44620 of 2017

% Date: 28-12-2017

Between:

Gollapalli Mangaiah S/o. G. Danamma,
Occ: Un-employee, R/o. H.No.19-1-72,
Near Municipal Office, Sattenapalle,
Guntur District, A.P.

.... Petitioner

And

1. The Municipal Council, Sattenapally Municipality, rep. by its Commissioner, Sattenapally, Guntur District – 522 404.
2. The District Collector, Guntur District, 500 001, A.P.
3. The Director of Municipal Administration, Government of A.P. Guntur, A.P.
4. The Government of Andhra Pradesh, rep. by its Principal Secretary to Municipal Administration & Urban Development, A.P. Secretariat, Velagapudi, Amaravathi Capital City, Guntur District, A.P.

... Respondents

! Counsel for the Petitioner : Mr. M. Pitchaiah

^ Counsel for Respondent No.1 : Mr. N. Satyanarayana

^ Counsel for Respondent Nos.2 to 4 : G.P. for Municipality

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> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.44620 of 2017

ORDER: (Per VRS,J)

Aggrieved by the dismissal of his Original Application for non-prosecution and the subsequent dismissal of his application for restoration, the petitioner has come up with the above writ petition.

2. Heard Mr. M. Pitchaiah, learned counsel for the petitioner. Mr. N. Satyanarayana, learned counsel takes notice for the 1st respondent-Municipality.

3. The petitioner filed an Original Application in O.A.No.4951 of 2014 on the file of the A.P. Administrative Tribunal, challenging the refusal of the respondents to appoint him on compassionate grounds. The application was dismissed for non-prosecution on 24.03.2017.

4. The petitioner filed an application for restoration. But the application for restoration was also dismissed on 27.10.2017, on the ground that the counsel for the writ petitioner maintained consistency in being absent. The Tribunal was not satisfied with the explanation offered by the petitioner for counsel's non-appearance. Therefore, the petitioner is before us.

5. The claim of the petitioner in his Original Application was for compassionate appointment on the ground that his mother was retired on medical invalidation and that therefore, he is entitled for appointment on compassionate grounds. The petitioner is an unemployed person. Therefore, the cases of this nature require a sympathetic approach only insofar as restoration and hearing on merits. It may be a different issue when the matter is decided on merits.

6. Therefore, the writ petition is allowed. The impugned orders are set aside and the application for restoration is allowed. The Tribunal may deal with the Original Application on its own merits.

7. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J.

M. GANGA RAO, J.

28th December, 2017
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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