

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25435 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the inaction of the respondents in not providing suitable civilian post to the 1st petitioner and in not giving financial assistance to him as per rules, as arbitrary, illegal and violative of principles of natural justice, and consequently, to direct the respondents to consider the case of the 1st petitioner for the civilian post and for financial assistance.

2. Heard Sri L.V.S. Naga Raju, learned Counsel for the petitioners and Sri K. Lakshman, learned Assistant Solicitor General.

3. When this matter is taken up for hearing, the learned Counsel for the petitioners informed that the 1st petitioner expired on 11.10.2016 and his wife-2nd respondent was brought on record as his legal representative, vide order dated 12.4.2017.

4. Now, the grievance of the 2nd petitioner is that the deceased writ petitioner was a Naval Officer and he was discharged from service on medical grounds on 12.10.1985. There are various beneficial provisions in respect of army personnel, who have been discharged on medical grounds, and one such provision is to

provide civilian employment and the other is to grant financial assistance. During the life time of the deceased petitioner, financial assistance was not extended even though the Secretary to Ministry of Defence, Government of India was pleased to address the 3rd respondent, Zilla Sainik Welfare Officer, Visakhapatnam vide letter dated 20.4.1998 to provide necessary guidance and to process the case of the deceased petitioner for financial assistance, in accordance with the guidelines contained in his office letters dated 8.2.1996, 1.5.1997 and 19.3.1998. But the respondents have not taken any decision. Therefore, the deceased writ petitioner filed this writ petition.

5. In view of the fact that the 1st petitioner expired, the relief for providing employment to him in civilian post cannot be granted. The issue in respect of grant of financial assistance to the deceased writ petitioner or his legal representatives survives. In these circumstances, this Court is of the view that ends of justice would be met if this writ petition is disposed of directing the respondents to consider the claim of the deceased petitioner for grant of financial assistance. In this regard, the 2nd petitioner, who is the legal representative of the deceased petitioner, is permitted to make a fresh representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On such representation being received, the respondents shall consider and

pass appropriate orders in respect of financial assistance to the deceased petitioner or his legal representatives, within a period of eight weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

16th August, 2018
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THE HON'BLE SRI ABHINAND KUMAR SHAVILI



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