

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20755 OF 2003

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of respondents in not considering the application of the petitioner for claiming benefits and employment on compassionate grounds as arbitrary and illegal.

Heard Sri Rajashekar Thallapally, learned counsel appearing for the petitioner and Sri Chintalapudi Lakshmi Kumari, learned Standing Counsel appearing for the respondents.

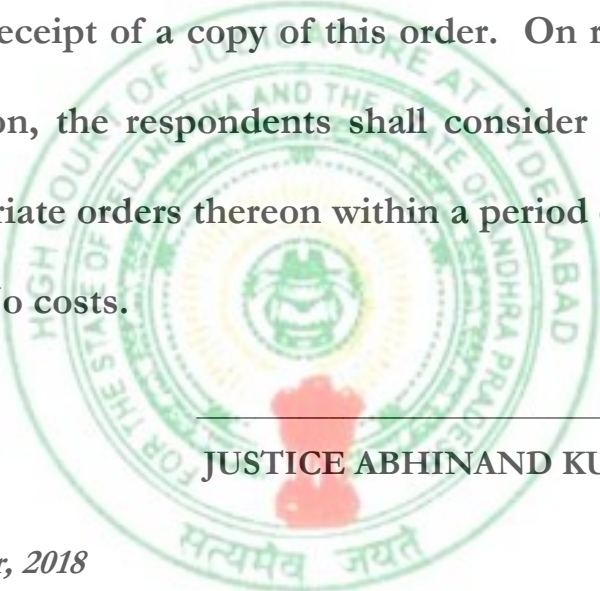
It is the case of the petitioner that her husband was appointed as Chowkidar in the respondent-Telecom Department on 19-09-1981 and he was discharging his duties as such. While so, on the night of 31.05.1991, he left the office without handing over charge to his reliever and on the same day, theft was committed and an amount of Rs.11,419/- was missed from the cash chest. This incident was construed as misconduct, the respondent-Department, initiated disciplinary proceedings against the petitioner and for the proven mis-conduct, dismissed him from service vide proceedings dated 20-05-1992. Thereafter, he was

chargesheeted for the offences punishable under Sections 457 and 381 IPC and he was acquitted by the XVI Metropolitan Magistrate, Hyderabad, vide CC.No.1771 of 1991, dated 23.06.1995. Subsequently, due to his ill-health, he expired on 29-03-2003 leaving behind his wife and two minor children. Hence, the petitioner, who is his wife, submitted a representation to consider her case for appointment on compassionate grounds as she has no other means of livelihood or in the alternative, atleast she may be granted pension or gratuity in terms of Rule 41 of CCS Pension Rules. When her case was not considered for appointment on compassionate grounds, the petitioner filed the present writ petition.

Learned Standing Counsel appearing for the respondents contends that the husband of the petitioner was dismissed from service after conducting departmental enquiry and for the proven misconduct; this is not one such case where compassionate allowance has to be granted; apart from that no compassionate appointment can be given to the dependants of the dismissed employees and there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation afresh.

Accordingly, the Writ Petition is disposed of. The petitioner is directed to submit a representation afresh seeking appointment on compassionate grounds to the respondents, as per Rules, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders thereon within a period of eight weeks thereafter. No costs.



JUSTICE ABHINAND KUMAR SHAVILI

28th September, 2018

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