

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.26647 of 2005

ORDER

When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner's husband was an employee of the respondents and he died while he was discharging his duties during 1997 and thereafter the petitioner has submitted her application seeking compassionate appointment under the bread winner scheme. It is further submitted that the petitioner's case was considered and the petitioner was given appointment order on 14.10.1999, but the petitioner could not receive said appointment order and consequently she could not join in pursuance of the appointment order dated 14.10.1999. Learned counsel further submits that challenging the action of respondents in not providing compassionate appointment in pursuance of the orders dated 14.10.1999 the present Writ Petition is filed.

2. Learned counsel for the petitioner now contends that since no interim order was granted by this Court and at this point of time the petitioner had crossed age of 50 years and the case of petitioner cannot be considered for compassionate appointment. Learned counsel further contends that the petitioner is entitled for additional monetary compensation in view of the compassionate appointment and appropriate orders be passed directing the respondents to consider

the case of petitioner for grant of additional monetary benefits in lieu of the compassionate appointment.

3. Learned Standing Counsel appearing for the respondents has contended that since the petitioner has not responded to the appointment order dated 14.10.1999, the case of petitioner cannot be considered for grant of additional monetary benefits and there are no merits in the Writ Petition and the same is liable to be dismissed.

4. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the respondents to consider the case of petitioner for grant of additional monetary benefits in lieu of the compassionate appointment as per the latest circular and pass appropriate orders in four (4) weeks from the date of receipt of a copy of this order.

With the above observations, this Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

ABHINAND KUMAR SHAVILI, J

20.11.2018
MVA