

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4402 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 2nd respondent in rejecting the case of the petitioner for compassionate appointment vide impugned proceedings Rc.No.3034/2003C, dated 21.01.2004 as highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India and also contrary to the service regulations issued by the Registrar of Coop. Societies under Rule 72 of APSC Rules and also violative of principles of natural justice and consequently set aside the same by directing the respondents to provide compassionate appointment to the petitioner to the post of Clerk in the 3rd respondent society by also directing for release of the death benefits on the death of the husband of the petitioner along with interest from the date of his death i.e., 26.07.2003 and pass such other order or orders in the interest of justice.”

Heard Sri E.Venkata Rao, learned counsel appearing for the petitioner, learned Government Pleader for Co-operation appearing for respondents 1 and 2 and Sri M.S.K.Ranga Rao, learned counsel appearing for respondent No.3.

It is the case of the petitioner that while discharging his duties, her husband expired. Thereafter, she submitted a representation on 22.9.2003 requesting the respondents to consider her case for appointment on compassionate grounds.

But the respondents have erroneously rejected her case *vide* order dated 21.1.2004.

Learned counsel appearing for the petitioner submits that without considering the case of the petitioner, the respondents have rejected her case; and that appropriate direction may be given to the respondents to consider the case of the petitioner for appointment on compassionate grounds and also for release of death benefits of her husband.

Learned Government Pleader appearing for the respondents contends that the case of the petitioner will be considered in accordance with law.

Having considered the rival 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 respondents to consider the case of the petitioner and release death benefits of her husband.

Accordingly, the Writ Petition is allowed and the impugned order dated 21.1.2004 is set aside. The respondents are directed to consider the case of the petitioner for appointment on compassionate grounds in any suitable post and also release the death benefits of her husband, if not already paid, in accordance with law and pass appropriate

orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th November, 2018

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