

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.41460 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of respondents in not considering the case of the petitioner for appointment under bread winner scheme as per the revised scheme of the Government as arbitrary and illegal and consequently to direct the respondents to consider the case of the petitioner for appointment under compassionate grounds.

Heard Sri S.D.Gowd, learned counsel appearing for the petitioner and Sri A.Rama Rao, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that while working as Conductor in the respondent-APSRTC, his father died on 15.2.1995. Hence, his mother submitted an application seeking to consider the case of the petitioner for appointment on compassionate grounds on 6.5.1998 in any suitable post. But, so far, no orders have been passed thereon. Hence, the present writ petition is filed.

Learned Standing Counsel appearing for the respondent-Corporation contends that as per the existing circulars during 1998, the persons who are minors, must attain

the age of majority within three years and as the petitioner did not attain the age of majority within three years from the date of death of his father, his case was not considered.

Admittedly, in the instant case, the respondents have not passed any orders either rejecting or appointing the petitioner.

Therefore, without expressing any opinion on the merits of the case, this Court feels it appropriate to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post within eight weeks from today, as per existing rules. If the rules do not permit the respondents to consider the case of the petitioner for appointment, then the respondents shall pay the monetary benefits to the family of the petitioner. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

23rd April, 2018
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