

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16762 of 2002

ORDER:

This writ petition is filed by the petitioners seeking *Writ of Mandamus* declaring the impugned action of the respondents in not considering their case for compassionate appointment, due to death of the Village Electricity Worker, who is the husband of the first petitioner and father of the second petitioner, as illegal and arbitrary and consequently direct the respondents to provide compassionate appointment to the second petitioner in any suitable post.

Heard Si G.V.Shivaji, learned counsel for the petitioners and Si Zakir Ali Danish, learned Standing Counsel for the respondents.

It is contended by the petitioners that the husband of the first petitioner died on 20.6.2000, while he was working as Village Electricity Worker. The first petitioner had submitted an application seeking compassionate appointment in favour of the second respondent, who is the son of the deceased Village Electricity Worker but the respondents have not considered the case of the petitioners for compassionate appointment. In those set of circumstances, the present writ petition is filed.

Learned counsel for the petitioners would contend that there are so many vacancies in the respondents-Company and the respondents are also adopting the scheme of compassionate appointment. Therefore, the case of the petitioners deserves to be considered for compassionate appointment.

Learned counsel for the respondents would contend that the deceased employee had worked under the fourth respondent as Village Electricity Worker and the respondents 1 to 3 have no control over the fourth respondent and since the deceased employee was an employee of the 4th respondent-Gram Panchayat, the respondents 1 to 3 are not obligated to consider the case of the petitioners for compassionate appointment.

This Court, having considered the rival submissions made by both the parties, is of the considered view that the case of the petitioners can be considered for compassionate appointment, provided the respondents adopt the scheme of compassionate appointment, in accordance with the rules. Therefore, the respondents are directed to consider the case of the second petitioner, in accordance with the rules and pass appropriate orders, within four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVIL, J

Date: 17/9/2018
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Dated: 17/09/2018

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