

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No. 4866 OF 2009****ORDER:**

This Writ Petition is filed seeking to issue a writ of mandamus declaring the orders passed by the respondents, vide proceedings dated 27.11.2008 refusing to consider the case of the petitioner for appointment under compassionate grounds as illegal and arbitrary a consequential direction is also sought to the respondent to appoint the petitioner on compassionate grounds on the death of her mother.

2. Heard Mr. L.J.Veera Reddy, Counsel for the petitioner and Mr.N.Siva Reddy, Standing Counsel for the respondent.

3. It has been contended by the petitioner that her father was working as Lineman with the respondents and he had expired while discharging his duties on 19.1.1987. The petitioner's mother was appointed as Attender on compassionate grounds. While her mother was discharging her duties, she has expired on 8.11.1994. Thereafter, the petitioner has submitted a representation to the respondents on 13.11.2008 to consider her case for compassionate appointment. It is further submitted by the petitioner that at the time of death of her mother, the petitioner's age was only 9 years and now she has attained the majority. But, the respondents, instead of considering the case of the petitioner, rejected her case, vide

proceedings dated 27.11.2008 contending that the application submitted by the petitioner is time barred. Challenging the same, the present Writ Petition is filed.

4. The Counsel for the petitioner contends that the respondent has given appointment to Smt.Deepika after 14 years from the date of the death of the employee and when it comes to the case of the petitioner, the respondents have rejected her case on the ground of delay. Therefore, appropriate orders may be passed directing the respondent to consider the case of the petitioner for appointment on compassionate grounds.

5. The Standing Counsel for the respondent contends that the petitioner's claim for compassionate appointment is belated and hence the respondent has rightly rejected the case of the petitioner. There are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

6. Having considered the submissions made by the parties, this Court is of the considered view that as the petitioner was a minor at the time of death of her mother, she has submitted her application on attaining the age of majority. The delay has to be condoned because the petitioner was a minor. Therefore, the impugned Lr.No.SE/O/KDP/ADM/PO/C3/F.PED D/D.No.3477, dated 27.11.2008 is liable to be set aside and it is accordingly set aside and the respondents are directed to consider the case of the petitioner afresh and grant compassionate appointment to her within a period of four weeks from the date of receipt of a copy of this

order as was done in the case of Smt.Deepika. The Writ Petition is accordingly allowed.

7. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

23rd November, 2018

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