

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.33711 OF 2011

ORDER

This writ petition is filed seeking the following relief:

“... to issue a writ or direction preferably writ of Mandamus declaring the proceedings issued by the vide ref.No.MNG/PER/28 RTC dt.1.2.2011 for not providing compassionate appointment for extending the benefit of payment of lumpsum amount of Rs.3,00,000/- in lieu of dependent employment/MMC as illegal, arbitrary and violate of principles of natural justice and consequently set aside the said order and further direct the respondent to provide employment to the petitioner on compassionate grounds or extended benefits of MMC and pass any other order or orders as are deemed fit and proper in the circumstances of the case.”

Heard Sri Kowturu Vinaya Kumar, learned counsel appearing for the petitioners, and Sri Nandigama Krishna Rao, learned Standing Counsel appearing for the respondent.

It is the case of the petitioner that her father was an employee of the respondent-Singareni Collieries Company Limited and while discharging his duties, he expired on 18.12.2000. Thereafter, her mother submitted a representation to the respondent on 26.09.2001 for extending the benefits of her husband. Subsequently, her mother also died on 03.10.2004. The respondent had paid gratuity amount and certain terminal benefits to the mother of the petitioner.

Thereafter, she submitted a representation on 31.1.2006 for sanction of lumpsum amount in lieu of dependant employment. But, so far, no orders have been passed thereon.

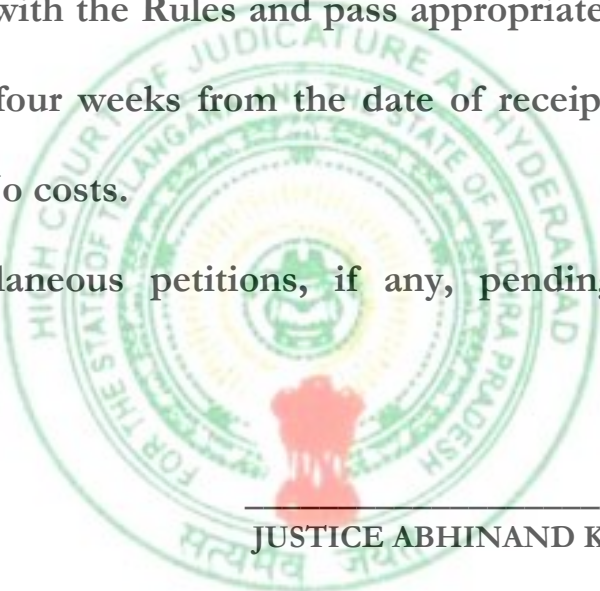
Learned counsel appearing for the petitioner submits that when the petitioner approached the respondent to provide appointment on compassionate grounds, the respondent directed her to get a succession certificate from the competent Civil Court to the effect that she is legal heir of the deceased employee; that she filed O.S.No.421 of 2009 on the file of the Principle Junior Civil Judge, Kothagudem, making the respondent also party to the said suit; that the said suit was decreed on 6.5.2010; that since the petitioner is the only legal heir of the deceased employee, the respondent neither appointed her on compassionate grounds nor granted monetary benefits in lumpsum in lieu of appointment on compassionate grounds; and that the case of the petitioner deserves to be considered for providing employment on compassionate grounds or for grant of lumpsum amount in lieu of employment.

Learned Standing Counsel appearing for the respondent contends that the petitioner has submitted the representation belatedly i.e., after more than ten years and on this ground alone, the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondent to consider the case of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondent to consider the case of the petitioner for providing employment on compassionate grounds or to grant lumpsum amount of Rs.3,00,000/- in lieu of employment in accordance with the Rules 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

30th October, 2018
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