

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 13804 of 2003**

**ORDER:**

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 27.09.2001 issued by the 1<sup>st</sup> respondent and Rule No.III (2&3) in the Head of Eligibility of the Circular of the respondents dated 05.05.2000, as illegal and arbitrary.

Learned counsel for the petitioners has contended that the husband of the 1<sup>st</sup> petitioner had expired while serving with the respondents on 06.02.1990 and, thereafter, the petitioners submitted an application to the respondents seeking compassionate appointment, but the same was not considered. In those set of circumstances, the petitioners filed a writ petition in W.P.No.20843 of 2000 and this Court disposed of the said writ petition vide orders dated 20.04.2001 directing the respondents to consider the case of the petitioner for appointment on compassionate grounds. Questioning the same, the respondents preferred an appeal in W.A.No.1120 of 2001 and a Division Bench of this Court dismissed the appeal vide orders dated 23.07.2001. Pursuant to the orders dated 20.04.2001 in W.P.No.20843 of 2000, the respondents considered the case of the petitioners and rejected their case by proceedings dated 27.09.2001. Challenging the same, the present writ petition is filed.

Learned standing counsel for the respondents has contended that the case of the petitioners was considered objectively and as per the scheme, the petitioners were supposed to submit application

within three years from the date of death of the deceased employee, but in the instant case, they submitted application beyond three years and, hence, the case of the petitioners was rejected on the ground of delay and laches and there are no merits in the writ petition and the same is liable to be dismissed.

This Court having considered the rival submissions made by the parties is of the considered view that the writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking appointment on compassionate grounds, within two weeks from the date of receipt of a copy of this order and upon receiving such representation, the respondents shall consider the same and pass appropriate orders, in four weeks thereafter, without raising the issue of delay and without being influenced by the rejection proceedings dated 27.09.2001.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

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**ABHINAND KUMAR SHAVILI, J**

17<sup>th</sup> December, 2018  
cbs

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Writ Petition No.13804 of 2003  
(disposed of)

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