

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8058 of 2003

ORDER :

Heard Smt.C.V.Aparna Lakshmi, learned counsel for petitioner and the learned Standing Counsel for respondents.

The petitioner is challenging the termination orders dated 25.04.2003. The case of the petitioner is that her husband was an employee of the respondent-Corporation and he left the house on 24.03.1994 to the duty and thereafter, his whereabouts were not known. The petitioner has filed a missing complaint before the Police and after waiting for a considerable time, it was presumed that the husband of the petitioner had expired. The petitioner had submitted a representation to the respondents to consider her case for appointment on compassionate ground. The respondents have considered the case of the petitioner and had appointed her as a Typist for a period of one year, on 29.07.1995 and the same was extended from time to time. While the matter stood thus, respondents have issued orders of termination of petitioner on 25.04.2003 on the ground that the petitioner was not having the requisite qualification to hold the post of Typist. Challenging the same, the present writ petition is filed.

Learned Standing Counsel appearing for respondents contended that since the petitioner was not having requisite qualification to hold the post of Typist, the question of continuation

of petitioner in service would not arise. There are no merits in the writ petition and the same is liable to be dismissed.

A perusal of the record discloses that this Court granted interim orders on 31.10.2003 directing the respondents to continue the petitioner in service on the same terms and conditions. Counsel for petitioner submitted that by virtue of the said interlocutory orders, the petitioner is being continued in service.

This Court, having considered the rival submissions made by both sides, is of the considered view that ends of justice would be met if the petitioner be allowed to continue in service because she has been discharging her duties since more than two Decades and the leftover service of petitioner is another Five years. In view of the same, the termination orders dated 25.04.2003 are set aside and the petitioner shall be continued in service with all consequential benefits.

The writ petition is accordingly allowed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16th November, 2018

ajr