

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24261 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the letter dated 13.12.2001 issued by the 1st respondent as illegal and arbitrary. A consequential direction is also sought to the respondents to appoint the petitioner in suitable post on compassionate grounds.

It has been contended by the petitioner that his father was employed as Driver with the respondents and while his father was discharging his duties, the respondents had relieved him on medical invalidation grounds vide orders dated 07.03.2000. Thereafter, his father expired on 07.07.2001. He had submitted a representation to the respondents on 06.12.2001 seeking appointment on compassionate grounds, but the respondents rejected his case vide proceedings dated 13.12.2001 on the ground that his father was paid the entire benefits including additional monetary benefits. Aggrieved by the same, he filed the present writ petition.

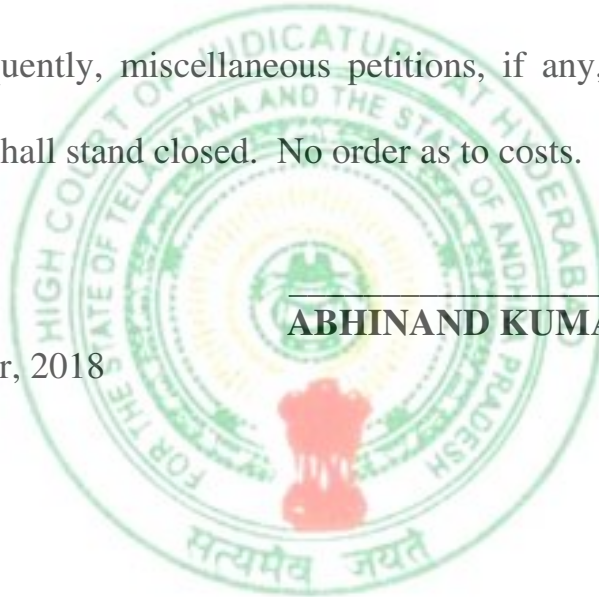
Learned standing counsel for the respondents has contended that the respondents had paid additional monetary benefit, gratuity and PF to the father of the petitioner in lieu of compassionate appointment and, therefore, the petitioner cannot contend that his case has to be considered to any post on compassionate grounds and the writ petition is devoid of merits 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 compassionate appointment within two weeks from the date of receipt of a copy of this order, and upon receiving such representation, the respondents shall consider and pass appropriate orders thereon, in accordance with law, without being influenced by their earlier rejection orders dated 13.12.2001, within four weeks thereafter.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

19th December, 2018
cbs

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 24261 of 2003
(disposed of)

19th December, 2018

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