

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4358 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 2nd respondent in issuing proceedings in Rc.No.ESTT/2001-2002 dated 21.1.2002 as arbitrary, illegal and violative of principles of natural justice and consequently to direct the respondents to appoint the petitioner herein in category V post in the 2nd respondent-Bank on compassionate grounds.

Heard Sri U.Murali Dhar Rao, learned counsel for the petitioner, learned Government Pleader for Cooperative Societies appearing on behalf of Respondent No.1 and Ms.B.Vijaya Lakshmi, learned counsel for respondent No.2.

It is contended by the petitioner that his father was an ex-employee of the 2nd respondent-Bank and expired on 22.2.1998 while in service leaving behind the petitioner, his mother and sister. The petitioner has submitted a representation dated 19.2.1999 to the 2nd respondent to consider his case for compassionate appointment, but his representation was rejected on the ground that the petitioner had attained the age of majority in the year 2000 i.e. nearly after two years from the date of death his father. The petitioner, once again submitted representation on 1.12.2001 and the same was considered and rejected by the 2nd respondent vide orders dated 21.1.2002 on the ground that he is not eligible for appointment on compassionate grounds, in view of

rules/instructions stipulated by Registrar Cooperative Societies/Government. Being aggrieved by the same, the present writ petition is filed.

In the instant case, the petitioner's father expired on 22.2.1998 and within one year, the petitioner had submitted an application to consider his case for compassionate appointment and within two years thereafter he had attained the eligibility. In spite of the same, the case of the petitioner was rejected and, therefore the impugned rejection order 21.1.2002 is liable to be set aside.

Accordingly, the impugned proceedings in Rc.No.ESTT/2001-2002 dated 21.1.2002 issued by the 2nd respondent is set aside. The respondents are directed to consider the case of the petitioner for compassionate appointment and pass orders within a period of two months from the date of receipt of a cop of this order.

The Writ Petition is allowed accordingly. There shall be no order as to costs.

Miscellaneous petitions if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 25/07/2018

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