

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3775 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the order of the 3rd respondent dated 29.09.2001 as illegal and arbitrary. A consequential direction is also sought to the respondents to consider the claim of the 2nd respondent for employment under bread winner scheme.

Heard Sri O. Manohar Reddy, learned counsel for the petitioners, and Sri P. Durga Prasad, learned standing counsel for APSRTC appearing on behalf of the respondents.

It has been contended by the petitioners that the 1st petitioner is the wife of one P. Obaiah, who was employed with the respondent corporation, and on the allegation of certain irregularities, he was removed from service vide orders dated 27.08.1980. Aggrieved thereby, the husband of the 1st petitioner filed I.D.No.208 of 1998 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur. During pendency of the petition, the husband of the 1st petitioner died and the petitioners were impleaded as legal representatives of the deceased workman. The Labour Court, vide award dated 11.12.2000, set aside the order of removal and directed the respondent corporation to reinstate the workman into service with continuity of service, but without any back wages. Thereafter, the petitioners have submitted a representation to the respondent corporation seeking appointment to the 2nd petitioner in any suitable post under bread winner scheme, but

the respondent corporation, without properly appreciating their case, mechanically rejected their case on 29.09.2001. Challenging the same, the present writ petition is filed.

Learned standing counsel for the respondent corporation has contended that the petitioners are not entitled for any compassionate appointment, more so, when the husband of the 1st petitioner was removed from service and, therefore, the writ petition is liable to be dismissed.

Having considered the submissions made by the parties, this Court is of the view that the writ petition can be disposed of directing the petitioners to submit a representation afresh to the respondents.

Accordingly, the writ petition is disposed of directing the petitioners to submit a representation afresh to the respondents within one week from the date of receipt of a copy of this order, and upon receiving such representation, the respondent corporation shall consider the case of the petitioners for compassionate appointment under bread winner scheme and pass appropriate orders thereon within four weeks thereafter.

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

ABHINAND KUMAR SHAVILI, J

30th October, 2018
cbs

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Writ Petition No. 3775 of 2002
(disposed of)

30th October, 2018

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