

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45423 of 2018

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus, declaring the action of respondents in not providing suitable post to the petitioner on compassionate grounds and in non-releasing of retirement benefits of the father of the petitioner, as illegal, unjust and violative of principles of natural justice and sought a consequential direction to the respondents to provide employment to the petitioner on compassionate grounds and release the retirement benefits of Mohd.Iqbal to the petitioner.

Heard Sri Y.V.S.S.Siva Sarma, learned counsel for petitioner and the learned Government Pleader for Industries.

It has been contended by the petitioner that his father was employed as an Attender with the respondents and his father has rendered more than 20 years of service. It is further contended that the father of the petitioner had expired on 25.03.1996 while discharging duties with the respondents. The petitioner and his mother have submitted a representation to consider the case of the petitioner for appointment on compassionate grounds and also requested the respondents to release the terminal benefits of petitioner's father. The respondents have issued proceedings dated 20.06.1997, directing the petitioner to submit legal heir certificate, death certificate and no earning member declaration and other documents from the petitioner. The petitioner had submitted all the requested documents to the respondents, but the grievance of the petitioner is that the case of the petitioner was not considered for

appointment on compassionate ground nor the respondents have released the terminal benefits of the father of the petitioner. Therefore, counsel for petitioner contend that appropriate orders be passed directing the respondents to consider the case of the petitioner for appointment on compassionate ground and also direct the respondents to release the terminal benefits of the petitioner's father.

The learned Government Pleader appearing for respondents had contended that it is almost 22 years since the father of the petitioner had expired, and hence, the question of considering the case of the petitioner for compassionate appointment at this point of time, would not arise. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking appointment on compassionate ground and also for release of terminal benefits of the father of the petitioner, within two weeks from the date of receipt of a copy of this order, and upon such representation being received, respondents shall consider the same and pass appropriate orders within four weeks thereafter.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th December 2018

ajr