

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45507 of 2018

ORDER:

This writ petition is filed, seeking a Writ of Mandamus, declaring the action of respondents in not considering the request of the petitioner for compassionate appointment as per G.O.Ms.No.118, dated 18.08.1999 by applying the principle in **Umadevi's** case reported in [2006 SCC (4) 1], which attained finality to regularize the services on completion of 10 years contingent service, as arbitrary and illegal and sought a consequential direction to provide employment to the petitioner on compassionate grounds in terms of G.O.Ms.No.118, dated 18.08.1999 with all consequential benefits.

Heard Sri Ch.Ganesh, learned counsel for petitioner, learned Government Pleader for Services-II appearing for 1st respondent and Sri G.Narender Reddy, learned Standing Counsel appearing for the 2nd respondent.

It has been contended by the petitioner that his father was initially appointed on 01.01.1993 as a Sweeper in the Primary School, Yadireddypalli, Tadur Mandal, Mahabubnagar District. The father of the petitioner was fully eligible and qualified to be regularized, but the respondents have not regularized his services. The petitioner further contend that his father had expired on 28.02.2017 while working as a full time Sweeper. Thereafter, the petitioner had submitted a representation on 26.08.2017, requesting the respondents to consider his case for compassionate appointment in terms of G.O.Ms.No.118, dated 18.08.1999, but the respondents have not considered the case of the petitioner, nor passed any orders on the representation submitted

by the petitioner. Counsel for petitioner contend that appropriate orders be passed by this Court directing the respondents to appoint the petitioner on compassionate grounds in terms of G.O.Ms.No.118, dated 18.08.1999.

The learned Standing Counsel appearing for the 2nd respondent had contended that the father of the petitioner was not appointed as per Rules and unless the father of the petitioner is entitled for regularization, the case of the petitioner cannot be considered in terms of G.O.Ms.No.118, dated 18.08.1999. Since the father of the petitioner was not appointed in accordance with the Rules, the question of considering the case of the petitioner for appointment on compassionate grounds, 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 within two weeks from the date of receipt of a copy of this order, in addition to the representation dated 26.08.2017, and the respondents shall consider the same and pass appropriate orders in accordance with Rules in another 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