

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.42002 OF 2017

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents for not providing the employment on compassionate grounds to the petitioner, as illegal and arbitrary, and consequently, to direct the respondents to provide employment to the petitioner on compassionate grounds.

2. Heard Sri A. Nagendra Rao, learned Counsel for the petitioner and Sri B.S. Prasad, learned Standing Counsel for the respondents.

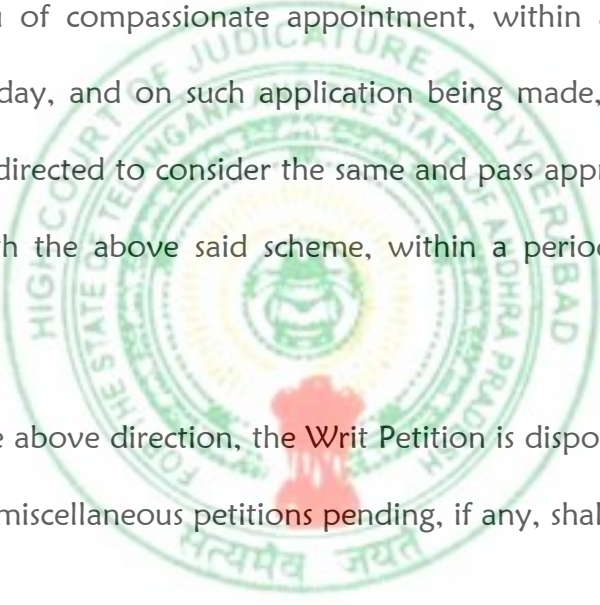
3. It has been submitted by the learned Counsel for the petitioner that the father of the petitioner had expired on 6.9.2010 while he was serving as a messenger in the respondent-Bank and that the petitioner submitted an application to consider her case on compassionate grounds and that the respondents have not considered her case and therefore, she filed the present writ petition.

4. It has been submitted by the learned Standing Counsel for the respondents that the scheme of compassionate appointment has been replaced with that of Exgratia for payment of lumpsum amount with effect from 5.8.2005 and therefore, the question of considering the case of the petitioner for compassionate appointment would not arise, and at best, the petitioner is entitled for exgratia for payment of lumpsum amount and that since the petitioner has not submitted any application for grant of exgratia in terms of the scheme, the respondent-bank cannot grant exgratia to the petitioner.

5. I have considered the rival submissions made by the parties. The learned Counsel for the petitioner submits that the petitioner is willing to submit an application in terms of the scheme viz., Exgratia for payment of lumpsum amount and that the respondent-Bank may be directed to consider her application. In view of the above submission, this Court feels that ends of justice would be met if a direction is given to the respondents to consider the application of the petitioner.

6. Accordingly, the petitioner is directed to submit an application to the respondents concerned to grant exgratia for payment of lumpsum amount in lieu of compassionate appointment, within a period of two weeks from today, and on such application being made, the respondents concerned are directed to consider the same and pass appropriate orders in accordance with the above said scheme, within a period of eight weeks thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.


Justice Abhinand Kumar Shavili

Dated: 4.1.2018
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