

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION.(TR).No.3055 of 2017

ORDER:

Heard Ms.M.Shalini, learned counsel for the petitioner and the learned Government Pleader for Services-II.

With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....declaring the action of the 1st respondent in not considering the compassionate appointment in place of deceased Government Servant who demised on 2.5.2003 while in service albeit applied within time i.e, within 1 year as per G.O.Ms.No.687 dt.3.10.1977. Pending for the last 11 years due to misconception that there is SLP pending in Supreme Court, belatedly detected that there is no SLP pending against the deceased employee, resulting deserves for consideration for compassionate appointment as Typist/Junior Assistant as arbitrary, illegal, discriminatory and unconstitutional violating Article 14 & 21 of the Constitution of India and issue consequential directions directing the 1st respondent to forthwith to consider compassionate appointment as “Typist/Junior Assistant” in any department in the Medak District duly disposing of the Representation of the Applicant dt.03.08.2015 and pass such other orders”

It has been contended by the petitioner that after A.P.Scooters Limited was wound up, the services of the petitioner were absorbed in a Government service. While his father was working with the respondents, he expired on 02.05.2003 and petitioner had submitted an application

within one year of his father's death, seeking appointment on compassionate grounds. But the respondents are not considering the case of the petitioner on the ground of pendency of SLP before the Hon'ble Supreme Court preferred by the State against the absorption of A.P.Scooters Limited into Government service.

Learned counsel for the petitioner contends that SLP which is pending before the Hon'ble Supreme Court has no relevance to the instant case and the respondents are trying to dodge the issue on one pretext or the other. Therefore, she contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment on compassionate ground in any suitable post.

Learned Government Pleader appearing for the respondents contends that if petitioner submits a fresh representation, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation within two weeks from the date of receipt of a copy of this order staking his claim for appointment on compassionate ground and upon such representation being received, the respondents shall consider the same and pass appropriate

orders in accordance with law within a period of eight weeks thereafter.

With the above direction, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 13-12-2019
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