

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5927 OF 2019

ORDER :

This writ petition is being disposed of at the admission stage with the consent of both the parties.

This writ petition is filed for the following relief:

“.....Writ of Mandamus declaring the impugned action of the respondents in not considering petitioner's claim for appointment on compassionate grounds in any suitable post as per his qualifications in terms of G.O.Ms.No.118, dated 18.08.1999 on the ground that his father's services have not been regularized in terms of G.O.Ms.No.212 dt.22.04.1994 though it was administrative lapse as his father had fulfilled the eligibility criteria prescribed under the above G.O., as illegal, arbitrary, discriminatory and violation of Article 14 and 21 of the Constitution of India and consequently hold that the petitioner is become eligible to sanction the benefit of G.O.Ms.No.118 dt.18.09.1999 for compassionate appointment to any suitable post with all consequential benefits.....”

Heard Sri CH.Ganesh, learned counsel for the petitioner and the learned Government Pleader for Services -II.

It has been contended by the petitioner that his father was employed as a part-time sweeper with the respondents on 14.12.1981 and the father of the petitioner fulfilled the conditions of G.O.Ms.No.212 dated

22.04.1994 for regularisation of his services. But the respondents have not considered the case of the petitioner's father for regularisation and the father of the petitioner expired on 22.04.2009, while serving with the respondents on part-time basis. Thereafter, the petitioner submitted a representation to the respondents to consider his case for appointment on compassionate grounds in terms of G.O.Ms.No.118 dated 18.08.1999. He further contends that the Head Master of Z.P.High School has forwarded the representation to Tahsildar on 10.07.2013 recommending that the case of the petitioner be considered for compassionate appointment in terms of G.O.Ms.No.118 dated 18.08.1999. But the grievance of the petitioner is that the respondents are not passing orders on the recommendations made by the Head Master, Z.P.High School, so far.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the recommendations made by the Head Master, Z.P.High School on 10.07.2013 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered and appropriate orders would be passed on

the recommendations made by the Head Master, Z.P.High School on 10.07.2013.

This Court, having considered the rival submissions of the learned counsel 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 to the respondents within a period of two weeks claiming compassionate appointment in terms of G.O.Ms.No.118, dated 18.08.1999 and the respondents shall consider the said representation and pass appropriate orders in accordance with law within four weeks thereafter.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI,J

Date: 01.04.2019
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