

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6113 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is being disposed of at the admission stage.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the Endorsement No.C3/880/2013, dated 29-12-2018, issued by the 2nd respondent-Collector, Rangareddy District, in response to the petitioner's representation dated 21-3-2018 for providing a suitable job to his spouse, for which she is entitled to, in terms of G.O.Rt.No.1305 dated 18-3-2013, even though the 3rd respondent issued a Medical Certificate dated 30-3-2016 stating that the patient was also examined by Gastroenterologist, Nephrologist, Neurologist and his case cannot attract the terms of the G.O.Ms.No.661, dated 23-10-2008 and also report of the Regional Medical Board, dated 10-6-2016 and also to grant exgratia of Rs.50,000/ under Prime Minister's National Relief fund announced by the Honorable Prime Minister and even though W.P.No.21501 of 2016 filed by the petitioner was withdrawn by him on 29-10-2018 prior to issuing the above mentioned endorsement by the 2nd respondent as nothing, totally unjustified, without application of mind, indefensible and violative of Article 14 of the Constitution of India and also contrary to the true intent of the above mentioned G.O. and sought consequential direction to the 2nd respondent to pass orders afresh on the petitioner's representation.

3. Heard Sri V.Ravi Kiranrao, learned counsel for the petitioner and the learned Government Pleader for Services-II appearing for respondents.

4. The petitioner contends that he was victim of bomb blasts incident which took place in Dilsukhnagar on 21-02-2013 and he has suffered serious injuries and he has been permanently disabled with the impact of the blasts. He however submits that the State Government has taken policy decision in G.O.Rt. No.1305 dated 18-03-2013, wherein it has been decided by the Government to appoint family members of the victims of the extremist action on compassionate grounds. He made an application to the respondents requesting for appointment on compassionate grounds to his wife on 24-04-2015 and he has also sought for exgratia. He further contends that the Government was pleased to release exgratia. However, his wife case was not considered for appointment on compassionate grounds in tune with the policy of the Government. In those set of circumstances, earlier, he has filed W.P.No.21501 of 2016. However, when the petitioner's case was not being considered for appointment and when the matter was referred to the Medical Board, he has withdrawn the said Writ Petition on 29-10-2018. Thereafter, the respondents, issued the impugned endorsement on 29-12-2018 rejecting the request of the petitioner to the effect that his case would be considered subject to the outcome of W.P.No.21501 of 2016 on the ground that the petitioner's wife is not entitled as she has become age barred.

5. Aggrieved by the same, the present Writ Petition is filed.

6. In the counter affidavit, it has been stated that the wife of the petitioner has become age barred and the petitioner has already received exgratia amounts and therefore the Writ Petition is liable to be dismissed.

7. Learned counsel for the petitioner submits that the stand taken by the respondents in the counter that the wife of the petitioner is not entitled for compassionate appointment was never communicated to him. He further contends that in case if the respondents do not intend to consider the case of the petitioner's wife, they may consider the son of the petitioner, who is also eligible to be appointed on compassionate grounds in terms of the said G.O. Therefore, the impugned Endorsement itself is totally non-application of mind and as the earlier Writ Petition was withdrawn by the petitioner, presently no other Writ Petition is pending. Therefore, he submits that appropriate orders be passed in the Writ Petition directing the respondents at least to consider the case of petitioner's son for appointment on compassionate grounds in terms of the said G.O.

8. Learned Government Pleader for Services-II submits that the petitioner has submitted the application seeking appointment to his wife on compassionate grounds, but as the petitioner's wife has become age barred, her case was not considered. However, he submits that if the petitioner submits fresh representation, the respondents would consider it and pass appropriate orders in accordance with law following the said G.O.

9. Having regard to the rival submissions made by the parties, this Court is of the considered view that the Writ Petition can be disposed of directing the petitioner to submit fresh representation

to the respondents seeking employment to his son on compassionate grounds in terms of the G.O.Rt.No.1305 dated 18-03-2013, within a period of two weeks from today and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law and in terms of G.O.Rt.No.1305 dated 18-03-2013, within a period of four weeks thereafter.

10. With these observations, the Writ Petition is disposed of. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 04-07-2019
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