

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE ACTING CHIEF JUSTICE
RAGHVENDRA SINGH CHAUHAN**

AND

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.A.No.335 of 2019

Date: 18.04.2019

Between:

Smt. Sajeeda Begum

...Appellant

and

The Director General of Police,
TS Special Protection Force,
Secunderabad and others.

...Respondents

Counsel for the appellant : Mr. Poodattu Amarender

**Counsel for the respondent Nos.1 to 4: Mr. S. Sharath Kumar,
Special Government Pleader**

The Court made the following:

JUDGMENT: *(per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)*

Mr. S. Sharath Kumar, the learned Special Government Pleader, accepts notice on behalf of the respondent Nos.1 to 4.

With the consent of both the learned counsel for the parties, this appeal is being decided at this stage itself.

Mrs.Sajeeda Begum, the appellant, has challenged the legality of the order dated 13.03.2019 passed by a learned Single Judge in W.P.No.5113 of 2019, whereby the learned Single Judge has dismissed the writ petition filed by the appellant-petitioner.

Briefly, the facts of the case are that, the appellant's husband, Mohd. Jaffar Hussain, was working as a Head Constable. However, on 24.05.2018, Mohd. Jaffar Hussain died in harness. Therefore, the appellant suddenly lost the bread earner of the family. In order to financially sustain her family, the appellant submitted a representation to the respondent No.1 on 26.02.2019 for seeking compassionate appointment. Since the respondent No.1 did not react to the representation, the appellant filed the writ petition before this Court. However, by the impugned order, the learned Single Judge has dismissed the writ petition ostensibly on the ground that the writ petition had been filed just ten days after the submission of the representation. Hence, this appeal.

Mr. Poodattu Amarender, the learned counsel for the appellant, submits that since the compassionate appointment has to be given immediately after the death of the bread earner of the family, since time was already running out, the appellant was justified in rushing to this Court just ten days after submitting her representation. Therefore, instead of dismissing the writ petition,

the learned Single Judge should have given clear directions to the respondent No.1 to consider the representation of the appellant within a time bound period. However, the learned Single Judge failed to do so. Therefore, the impugned order deserves to be set aside by this Court.

On the other hand, Mr. S. Sharath Kumar, the learned Special Government Pleader, submits that if a direction were issued by this Court, the respondent No.1 will certainly consider the representation dated 26.02.2019 submitted by the appellant.

Admittedly, the appellant has submitted her representation on 26.02.2019. Therefore, almost two months have gone by. Yet, the representation has not elicited any reaction from the respondent No.1.

Therefore, while setting aside the order dated 13.03.2019, passed by the learned Single Judge in W.P.No.5113 of 2019, this Court directs the respondent No.1 to consider the representation dated 26.02.2019 submitted by the appellant, after giving her an opportunity of personal hearing, within a period of one month from the date of receipt of a certified copy of this judgment.

With these directions, the appeal stands disposed of.

As a sequel, Miscellaneous Petitions, pending if any, shall stand closed. There shall be no order as to costs.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A.RAJASHEKER REDDY, J)

Date: 18.04.2019
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