

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.8332 of 2009

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declaring the action of the respondents in not providing employment to the 2nd petitioner herein for any suitable post under compassionate appointment/under Bread Winner Scheme as illegal, arbitrary and unjust, (ii) declaring the proceedings of the 2nd respondents in rejecting the petitioners' claim vide Notice No.W4/ 684(1)/ 2006-HCR, dated 21.2.2006 (iii) and consequently direct the respondents to provide employment to the 2nd petitioner herein in any suitable post under Compassionate appointment/ under Bread Winner Scheme.....”

Heard Mr.G.Vidya Sagar, learned Senior counsel for the petitioners and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents.

It has been contended by the petitioners that SYadaiah, who is the husband of the 1st petitioner and father of the 2nd petitioner, was employed with the respondents Corporation since July, 1994 and while discharging duties he expired on 28.03.2005. Thereafter, the 1st petitioner made a representation on 16.06.2004 requesting the respondents to consider the case of the 2nd petitioner for appointment on compassionate grounds, but the respondents rejected the request of the 1st petitioner vide proceedings dated 21.02.2006 on the ground that the State Government has imposed ban on appointments on compassionate grounds. Challenging the said proceedings dated 21.02.2006, the present writ petition is filed.

Learned counsel for the petitioners contends that the scheme of appointment on compassionate grounds has been reviewed by the respondents and a new scheme has come into force vide

Circular dated 27.07.2017, wherein a decision was taken by the respondents to extend the benefit of appointment under bread winner scheme/compassionate grounds in respect of cases from 1998 onwards. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the 2nd petitioner for appointment on compassionate grounds under bread winner scheme in terms of the Circular dated 27.07.2017.

Learned Standing Counsel appearing for the respondents submits that if the petitioners submit a fresh representation to the respondents, their cases will be considered and appropriate orders would be passed in terms of the Circular dated 27.07.2017.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the 1st petitioner to submit a fresh representation seeking appointment to the 2nd petitioner on compassionate grounds within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in terms of the Circular dated 27.07.2017 within a period of eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

30-09-2019
Prv

