

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.10016 OF 2019

ORDER:

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

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for appointment on compassionate grounds, as illegal, arbitrary and discriminatory and sought a consequential direction to the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post as per G.O.Ms.No.118 dated 18.08.1999.

Heard Sri S.Jagadish, learned counsel for the petitioner, and the learned Government Pleader for Services-III appearing for the respondents.

It has been contended by the petitioner that her husband was employed as NMR Public Health Worker with the respondents and while he was discharging his duties as such, he has expired on 06.08.2004. The petitioner further submits that her husband was entitled for regularization of his services in terms of G.O.Ms.No.212 dated 22.04.1994 as he has completed five years of service as on the cut-off date i.e., 25.11.1993, but the respondents have not regularized his services. The petitioner further submits that before the respondents could regularize the services of her husband, her husband expired. The petitioner also submits that the State Government has taken a policy decision in G.O.Ms.No.118 dated 18.08.1999 to the effect that if NMRs, who were fully eligible and qualified to be regularized, expire before regularization of their services, the benefit of compassionate appointment be extended to the dependents of such deceased employees. The petitioner submits that since she is entitled for

consideration of compassionate appointment in terms of G.O.Ms.No.118 dated 18.08.1999, she has submitted a representation to the respondents and the then Gram Panchayat has passed a resolution on 24.09.2004 to consider the case of the petitioner for compassionate appointment, but so far the respondents have not passed any orders on the said resolution passed by the then Gram Panchayat. Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the resolution passed by the then Gram Panchayat on 24.09.2004 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents had submitted that the case of the petitioner would be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the resolution passed by the then Gram Panchayat on 24.09.2004 and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 1st May, 2019

v v