

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11506 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 action of the respondents 2 and 3 in not appointing the petitioner on compassionate grounds in any suitable post as per Memo.No.634/Ser.1/A1/2015 dated 28-7-2018 and also based on the representation filed by the petitioner dated 01.02.2019 is illegal, arbitrary, contrary to law is illegal, arbitrary, contrary to law and violation of Articles 14, 16 and 21 of the Constitution of India.....”

Heard Sri Mohd.Ghulam Rasool, learned counsel for the petitioner, learned Government Pleader for Panchayt Raj for respondents 1, 3 and 4, learned Government Pleader for School Education for respondents 2 and 6, learned Government Pleader for Revenue for respondent No.5 and Sri G.Narender Reddy, learned Standing counsel for 7th respondent.

It has been contended by the petitioner that his father was employed as School Assistant at ZPHS, Makkarajpet, Chegunta Mandal. While the petitioner's father was in service, he died on 03.03.2013 due to road accident. After expiry of petitioner's father, petitioner has submitted an application seeking compassionate appointment on 01.08.2013. After careful examination, the State Government has issued a Memo dated 28.07.2018 to the effect that case of the petitioner can be

considered for compassionate appointment. Even after issuance of Memo by the State Government, the respondents have not passed any orders. In those set of circumstances, the petitioner has submitted a detailed representation to the 7th respondent on 01.02.2019. Thereafter, the Commissioner-Panchayatraj and Rural Employment had issued a Memo dated 02.05.2019 for taking further necessary action.

Learned counsel for the petitioner contends that though the State Government and the Commissioner issued Memos dated 28.07.2018 and 02.05.2019 respectively, the respondents are not considering the case of the petitioner for appointment on compassionate grounds. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment on compassionate grounds.

Learned Government Pleaders appearing for the respondents contend that let the petitioner submit a fresh representation referring the Memos issued by the State Government and the Commissioner, so that the respondents would consider the case of the petitioner and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation to the 7th respondent within two weeks and on such representation, the 7th respondent shall

consider and pass appropriate orders by duly taking into account the Memos issued by the State Government and the Commissioner within a period of eight weeks from the date of receipt of the said representation.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

12.06.2019
dv

