

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16170 of 2017

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the impugned Memos dated 05.08.2014 and 04.02.2015, issued by respondent No.1, rejecting the claim of petitioner for compassionate appointment on the ground that he was minor at the time of death of his father, as illegal, arbitrary and unconstitutional and sought consequential directions directing the respondents to consider the claim of petitioner for compassionate appointment in any suitable post by relaxing the rules with regard to age on par with others with all consequential benefits.

2. Heard both sides.

3. It has been contended by the petitioner that his father was employed as a Compounder with the respondents and expired while discharging his duties, on 15.04.2010. Thereafter, petitioner had submitted an application to the respondents on 30.12.2010, requesting the respondents to consider his case for appointment on compassionate grounds. But, the case of the petitioner was rejected vide Memo dated 05.08.2014 on the ground that the petitioner was minor at the time of death of his father. Counsel for petitioner has contended that similar issue was considered by the State Government in respect of one Ms.K.Bharathi, vide G.O.Ms.No.100, dated 14.09.2018. Therefore, in the instant case also, appropriate orders be passed directing the respondents to consider the case of the petitioner for appointment on

compassionate grounds, by relaxing the age as was done in the case of Ms.K.Bharathi, and set aside the impugned rejection orders dated 05.08.2014 and 04.02.2015.

4. The Government Pleaders appearing for respondents contended that the case of the petitioner would be considered in terms of G.O.Ms.No.100, dated 14.09.2018 and appropriate orders would be passed in accordance with law.

5. In view of the rival submissions made by the parties, this writ petition is allowed and the impugned rejection Memos dated 05.08.2014 and 04.02.2015 are set aside, directing the respondents to consider the case of the petitioner afresh, for appointment on compassionate grounds as was done in the case of Ms.K.Bharathi vide G.O.Ms.No.100, dated 14.09.2018 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. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th November, 2019

ajr