

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.40215 of 2016

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in not considering the just claim of the petitioner for providing compassionate appointment to any suitable post consequent on killing his father by extremists in terms of the policy laid down by the Government in G.O.Ms. No.504, GA (SC.A) Department, dated 11.8.2008 without any justification or reasonable cause on the untenable ground that the petitioner is minor as on the date of incident even though the authorities have withdrawn the earlier rejection orders issued in Proc.No.A2/5653/2011, dated 5.6.2012 passed in contrary to the Judgment of this Hon'ble Court in Writ Appeal No.69 of 2012, dated 23.2.2012 as is evident from order of this Hon'ble Court in C.A.No.1910 of 2012, dated 28.12.2012 is as illegal, arbitrary, unjust and violative of Articles 14, 16 and 21 of the Constitution of India and also contrary to the law laid down by this Hon'ble Court in W.P.No.24117 of 2010, dated 26.11.2010 and consequently hold that the petitioner is entitled to be considered for providing any suitable job on compassionate grounds in terms of the policy of the Government in G.O.Ms.No.504, dated 11.8.2008 without reference to age as on the date of killing of his father by the extremists in terms of the law laid down by the Hon'ble Court in W.P.No.24117 of 2010, dated 26.11.2010 read with judgment in Writ Appeal No.69 of 2012, dated 23.2.2012 with all consequential benefits and pass such other and

further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Narasimha, learned counsel appearing for the petitioner, and learned Government Pleader for General Administration appearing for the respondents.

It is the case of the petitioner that his father was killed by the extremists on 22.10.1991. The State Government *vide* G.O.Ms.No.504, GAD, dated 11.8.2008, has taken a policy decision for providing employment to the family members of the deceased, who were killed by the extremists. Pursuant to the same, the petitioner submitted a representation dated 17.10.2008 seeking appointment on compassionate grounds. But, his case was rejected by the 1st respondent *vide* proceedings dated 5.6.2012, contrary to the Division Bench judgment of this Court in W.A.No.69 of 2012, dated 23.2.2012. Challenging the said rejection, the petitioner filed C.C.No.1910 of 2012 and the same was closed on 28.12.2012 based on the submissions made by the learned Government Pleader. Thereafter, the respondents *vide* Memo dated 30-01-2013 directed the petitioner to furnish the required documents. Accordingly, the petitioner has submitted the required information and necessary documents. But, the respondents are not passing any orders.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner in terms of the Memo dated 30.01.2013.

Learned Government Pleader appearing for the respondents contended that the respondents would consider the case of the petitioner in terms of the Memo dated 30.01.2013 and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner in terms of G.O.Ms.No.504 GAD, dated 11.8.2008 and also in terms of the Memo dated 30.01.2013 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 31.10.2019

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