

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14632 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondents in not appointing the petitioner on compassionate grounds in Roads & Buildings Department in view of death of her mother Lolapu Laxmi W/o.Pochaiah, who died on 26.03.2019 while in service as illegal, arbitrary, unconstitutional and violative of Articles 14 and 16 of the Constitution of India and to pass such other.....”

Heard Sri N.Hari Prasad, learned counsel for the petitioner and the learned Government Pleader for Services-III.

It has been contended by the petitioner that her mother was employed as Attender and she has expired on 26.03.2019 while in service. Petitioner further contends that being the legal heir of her deceased mother, she submitted a representation to the respondents on 25.06.2019 seeking appointment on compassionate grounds. But so far the respondents neither passed orders on the representation submitted by the petitioner nor considered the case of the petitioner for appointment on compassionate grounds.

Learned counsel for the petitioner 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 Pleader appearing for the respondents contends that petitioner had submitted a representation to the Superintending Engineer, who is not the competent authority and it is the District Collector, who is competent to consider the case of the petitioner for appointment on compassionate grounds. He further submits that if the petitioner submits a representation to the District Collector, the District Collector would consider the same 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 District Collector seeking appointment on compassionate grounds within two weeks from today and upon such representation being received, the District Collector shall consider and pass appropriate orders in accordance with law within six weeks thereafter.

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

17.07.2019
dv