

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16586 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 considering the petitioner for the compassionate appointment in the suitable post in the office of the 5th respondent, as illegal, arbitrary and contrary to the terms of the G.O.Ms.No.612 dated 30.10.1991 and consequently direct the respondents to consider petitioner's case for the appointment on compassionate grounds in any suitable post and pass such other order.....”

Heard Sri J.Kanakaiah, learned counsel for the petitioner and the learned Government Pleader for Services-III.

It has been contended by the petitioner that he is the adopted son of one late Muthuri Devaiah and said Devaiah was employed as a Mazdoor with the respondents and expired on 27.01.2018 while in service. The petitioner further contends that after expiry of his father, he had submitted a representation to the 5th respondent-Executive Engineer on 17.05.2018 requesting to consider his case for appointment on compassionate grounds. But so far, the 5th respondent has not passed any orders on the said representation either considering or rejecting his case.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the 5th

respondent to consider the representation submitted by the petitioner on 17.05.2018 and pass appropriate orders.

Learned Government Pleader appearing for the respondents contends that the petitioner had submitted the representation to the 5th respondent but the competent authority to consider the petitioner's representation is the 3rd respondent-District Collector. If the petitioner submits a representation to the District Collector-Jagitial District, his case would be considered and appropriate orders would be passed 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 3rd respondent within a period of two weeks from today along with the representation which he has already submitted on 17.05.2018 to the 5th respondent and upon such representation being received, the 3rd respondent shall consider the same and pass appropriate orders in accordance with law, within a period of eight 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

06.08.2019
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