

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17375 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a Writ Order or Order more in the nature of Writ of Mandamus declaring the impugned action of the respondents in not considering petitioner's claim for appointment on compassionate grounds in any suitable post as per his qualifications in terms of G.O.Ms.No.118, dated 18.08.1999 on the ground that his father's services have not been regularized in terms of G.O.Ms.No. 212, dated 22.04.1994 though it was administrative lapse as his father had fulfilled the eligibility criteria prescribed under the above G.O is illegal, arbitrary, discriminatory and violation of Articles 14 and 21 of the Constitution of India and consequently hold that the petitioner is become eligible to sanction the benefit of G.O.Ms.No.118, dated 18.08.1999 for compassionate appointment to any suitable post with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.Ramgopal Rao, learned counsel appearing for the petitioner, and Sri B.Thimothi, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that his father was employed with the respondents on daily wage basis as casual labour on 23.04.1977. Though his father was eligible for regularization of his services in terms of G.O.Ms.No.212, dated 22.04.1994, due to administrative lapses, his services

were not regularized. While so, his father expired on 21.03.2009. Hence, the petitioner submitted a representation dated 21.03.2009 through association to the respondents seeking appointment on compassionate grounds. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that the State Government has taken a policy decision *vide* G.O.Ms.No.118, dated 18.08.1999 to extend the benefit of compassionate appointment even in respect of the employees, who are working on daily wage basis. Learned counsel further submits that though the father of the petitioner has completed five years of service as on the cut off date, the respondents have not regularized his services. Learned counsel also submits that the respondents ought not to have denied the case of the petitioner for appointment on compassionate grounds on the ground that services of his father were not regularized. Learned counsel prays that appropriate direction be given to the respondents to consider the representation dated 21.03.2009 of the petitioner for appointment on compassionate grounds in terms of G.O.Ms.No.118, dated 18.08.1999.

Learned Standing Counsel appearing for the respondents submits that the case of the petitioner would be

considered in terms of G.O.Ms.No.118, dated 18.08.1999, if only he submits a representation afresh.

Having considered the rival submissions made by the learned counsel on either side, this writ petition can be disposed of directing the petitioner to submit a representation afresh seeking appointment on compassionate grounds within a period of two weeks from today. On receipt of such representation, the respondents shall consider the same in terms of G.O.Ms.No.118, dated 18.08.1999, and pass appropriate orders within a period of two months thereafter.

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

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th August, 2019
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