

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18075 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of respondent Nos.2 and 3 in not passing any orders for compassionate appointment of the petitioner in suitable post even though he has submitted his representation on 01.04.2013, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct respondent Nos.2 and 3 to consider the representation of the petitioner dated 01.04.2013 for compassionate appointment of the petitioner in suitable post and to pass such other order and orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Heard Sri K.Venumadhav, learned counsel appearing for the petitioner, and learned Government Pleader for Services-I appearing for the respondents.

It is the case of the petitioner that his father worked as Part-time Sweeper in 4th respondent-School from 02.09.1977 till his death on 26.02.2013. 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. Hence, the petitioner submitted a representation dated 01.04.2013 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 the Mandal Educational Officer had also submitted proposals to the 2nd respondent on 20.03.2013 recommending the case of the petitioner. Learned counsel prays that appropriate direction be given to the 2nd respondent to consider and pass appropriate orders on the proposals submitted by the Mandal Educational Officer.

Learned Government Pleader 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.

Having considered the rival submissions made by the learned counsel on either side, this writ petition can be disposed of directing the 2nd respondent to consider and pass appropriate orders on the proposals dated 20.03.2013 submitted by the Mandal Educational Officer, in accordance with the Rules, within a period of two months from the date of receipt of a copy of this order.

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

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

21st August, 2019
rkk

