

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.20439 of 2019

Date:19.09.2019

Between:

Moodu Kishan S/o.late Pulya,
Aged about 26 years, Occ: Un-employee,
ST community, R/o Gollagudem
(Thandda) Mangalavaripeta,
Khanapuram Mandal, Warangal District .. Petitioner

And

The State of Telangana, rep by its
Principal Secretary (Political),
General Administration Department
Secretariat Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.20439 of 2019

ORDER:

This writ petition is filed praying for the following relief:-

“...to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not providing the employment under the scheme of compassionate appointment for killing of the father of petitioner in extremists violence (Naxalites) as per G.O.Ms.No.504, General Administration (Ser-A) Department, dated 11.08.2008 read with sub clause (b) of clause (2) in Section 4 of the Telangana (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 (Act No.2, 1994) as arbitrary illegal and violative of Article 14, 16 and 21 of Constitution of India and consequently direct the respondents to consider the case of the petitioner for providing the employment as per G.O.Ms.No.504 General Administration (Ser-A) Department, dated 11.08.2008 or to pass such any other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Heard learned Counsel for the petitioner, learned Government Pleader for General Administration for respondent No.1, learned Government Pleader for Revenue for respondents 2 and 3 and Sri K. Aravind Kumar, learned standing counsel for respondent No.4.

3. The case of the petitioner is that his father Late Poolya @ Puliya was killed by the extremists on 28.12.1992; in terms of Government Orders in G.O.Ms.No.469 dated 08.11.1996, he is entitled to employment; that at the time of death of his father, he was minor and in terms of G.O.Ms.No.504, dated 11.8.2008, he is entitled to relaxation and made application to the 2nd respondent respondents seeking compassionate appointment, but his case was not considered on the ground that vide memo dated 01.01.2010, the Government directed that cases of minors for compassionate appointment in relaxation of Rules cannot be considered.

4. Learned counsel for petitioner submitted that on the complaint of the 3rd respondent, the Tahsildar, Khanapur Mandal, after making enquiry in the village and obtaining records from police, addressed a letter dated 27.11.2014 to the 3rd respondent stating that the father of the petitioner was killed by extremist by shooting him on the night of 27.12.1992. He further submitted that though cases of three similarly situated persons were considered in terms of G.O.Ms.No.469, dated 08.11.1996, and G.O.Ms.No.504, dated 11.8.2008, petitioner was discriminated and the issue raised in this writ petition is covered by orders of this Court in W.P. 24117 of 2010, dated 06.11.2010, as confirmed in W.A.No.69 of 2012, dated 23.02.2012, as further confirmed in SLP (Civil) No. 9521 of 2013. Learned counsel further submitted that though petitioner approached the 3rd respondent several times with a request for appointment on compassionate grounds, his case was not considered.

5. Taking into consideration the nature of controversy, the Writ Petition is disposed of directing respondents 2 and 3 to consider the representation dated 29.04.2019 made by the petitioner and take appropriate decision as warranted by law within six weeks from the date of receipt of a copy of this order. Miscellaneous petitions, if any, shall stand closed.

P NAVEEN RAO, J

Date:19.09.2019

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