

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.3723 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....declare the action of the respondents herein in not considering the applicant case for compassionate appointment in any suitable posts under medical invalidation scheme in light of the G.O.Ms.No.661, GAD, dt.23.10.2008 and subsequent clarification issued vide Circular Memo No.43785/Ser.G/2010-5, dated 12.12.2011 as highly illegal, arbitrary and unconstitutional and consequentially, the Hon'ble Court may declare that, the applicant herein is entitled for considering his case for compassionate appointment on par with others, under medical invalidation scheme in the light of the G.O.Ms.No.661, GAD, dt.23.10.2008 and subsequent clarification issued vide Circular Memo No.43785/Ser.G12010-5, dated 12-12-2011 and as per the orders in O.A.No.12874/2009 and batch cases, dated 29.10.2010 and confirmed by the Hon'ble High Court in W.P.No.39121/2014, dated 02.04.2014 and may pass such order.....”

Heard Sri M.R.Tagore, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that that his mother was a Female Nursing Orderly (FNO) at Osmania General Hospital and while she was in service, she became medically unfit and she was permitted to retire from service w.e.f. 17.01.2002 vide proceedings dated 23.01.2002. After retirement of petitioner's mother, petitioner submitted an application on 13.02.2002 to the 4th respondent requesting to consider his case for compassionate appointment in

accordance with the Medical Invalidation Scheme. But the case of the petitioner could not be considered under the said Scheme as the Government vide G.O.Ms.Nos.202 & 203 has dispensed with the Medical Invalidation Scheme in pursuance to the judgment rendered by this Court in W.P.No.13489/2000, dated 12.10.2001. Thereafter, The Government vide G.O.Ms.No.100 dated 03.03.2005 clarified that the dependants of the retired employees who have retired from service on Medical Invalidation Scheme and whose qualification is below 10th standard be considered in last grade service on contract basis. Accordingly, the petitioner was appointed as a Male Sweeper at Osmania General Hospital vide proceedings dated 10.06.2005. But the Government vide G.O.Ms.No.246, dated 30.05.2007 has withdrawn G.O.Ms.No.100 dated 03.03.2005 and accordingly, the petitioner was terminated vide proceedings dated 19.05.2007. Later, the Government following the Supreme Court directions, issued G.O.Ms.No.661, dated 23.10.2008 reviving the scheme of compassionate appointment and issued certain guidelines and the same was clarified vide Circular Memo dated 12.12.2011. In pursuance to the same, the 2nd respondent forwarded the proposals recommending the case of the petitioner to the 1st respondent and the same is pending before the 1st respondent.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the

1st respondent to consider the proposals submitted by the 2nd respondent on 15.11.2001 and pass appropriate orders in accordance with law by duly taking into account the judgment rendered by the Tribunal in O.A.No.12874 of 2009 and batch of cases dated 29.10.2010 which was confirmed by this Court in W.P.No.3912 of 2011 and batch of cases dated 02.04.2014 and also the Circular Memo dated 12.12.2011 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for respondents contends that the case of the petitioner would be considered and appropriate orders would be passed on the proposals submitted by the 2nd respondent.

This Court, having considered the rival submissions of learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to consider the proposals submitted the 2nd respondent on 15.11.2001 by duly taking into account the judgment rendered by the Tribunal in O.A.No.12874 of 2009 and batch of cases dated 29.10.2010 which was confirmed by this Court in W.P.No.3912 of 2011 and batch dated 02.04.2014 and also the Circular Memo dated 12.12.2011 and pass appropriate orders in accordance with law, within a period of eight (08) weeks from the date of receipt of copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 31-07-2019
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