

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19038 of 2018

ORDER

This Writ Petition is filed seeking the following relief:

“to issue an order, writ or direction more particularly in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings in Rc.No. D3/1539/2008, dated 28.11.2008 as illegal, arbitrary, irrational and ultra vires to the provisions of the A.P. Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure Act, 1994 and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to forthwith provide suitable employment to the petitioner on compassionate basis without reference to Clause 4 of G.O.Ms.No.504, dated 11.08.2008 issued by the 2nd respondent and pass such other orders that the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri T.Sujan Kumar Reddy, learned counsel appearing for the petitioner, and learned Government Pleader for General Administration appearing for the respondents.

It is the case of the petitioner that his father was killed by extremists in the year 1993. Thereafter, the State Government has taken policy decision *vide* G.O.Ms.No.504, dated 11.08.2008, to provide employment to one of the family members of the victims, who were killed in extremist violence. The said G.O clearly states that the family members of the

victims, who were killed in extremist violence prior to 26.02.1996, are also entitled to be considered for appointment on compassionate grounds. The petitioner submitted a representation on 17.11.2008 seeking appointment on compassionate grounds. But the respondents have rejected his case *vide* order dated 28.11.2008 on the ground that he was aged only two and half years at the time of death of his father and hence, he is not eligible.

The grievance of the petitioner is that since the policy decision was taken by the State Government in 2008 to provide employment to the family members of the victims, who were killed in extremist violence prior to 26.02.1996, the respondents ought not to have rejected his case.

Learned counsel appearing for the petitioner submits that the impugned order dated 28.11.2008 is liable to be set aside and the respondents be directed to provide employment to the petitioner on compassionate grounds strictly in terms of G.O.Ms.No.504, dated 11.08.2008.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in accordance with the latest policy of the State Government, 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 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the case of the petitioner for appointment on compassionate grounds in accordance with the latest policy of the State Government and pass appropriate orders within a period of eight weeks thereafter. It is needless to state that the respondents shall consider the case of the petitioner afresh without being influenced by the earlier rejection order dated 28.11.2008.

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

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd August, 2019

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