

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.24352 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of learned counsel for the respective parties.

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 to declare the action of the respondents in not considering the request of the petitioner for compassionate appointment as per G.O.Ms.No.118, Finance and Planning (Fin.Wing.P.C.III) Department, dt.18.08.1999, as highly illegal, arbitrary, unconstitutional against the principles of natural justice, equity and fair play and prays to direct the respondents herein to provide compassionate appointment to the petitioner as per G.O.Ms.No.118 Finance and Planning (Fin.Wing. PC.III) Department, dated 18.08.1999 with all consequential monetary benefits from the date of eligibility of the petitioner herein.....”

Heard Mr.Ch.Ganesh, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that his father was appointed as a contingent worker with the respondents in the year 2000 and he worked continuously and he is fully eligible for regularisation, but on account of administrative lapses, his services could not be regularized and he died on 22.12.2018 while discharging duties with the respondents. The State Government has taken a policy decision to extend the scheme of compassionate appointment even in favour of the dependants of daily wage workers, who are eligible for regularisation and whose services could not be regularized on account of administrative lapses. The petitioner has submitted representations to the respondents on

29.05.2019 and 30.07.2019 requesting to consider his case for appointment on compassionate grounds in terms of G.O.Ms.No.118 dated 18.08.1999. But, so far, the respondents have not passed any orders on the said representations nor considered the case of the petitioner for appointment on compassionate grounds.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment on compassionate grounds by duly considering and disposing of the representations submitted by the petitioner in accordance with law.

Learned Government Pleader appearing for the respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representations submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for appointment on compassionate grounds in terms of G.O.Ms.No.118 dated 18.08.1999 and pass appropriate orders on the representations submitted by the petitioner on 29.05.2019 and 30.07.2019 in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

07-11-2019
Prv