

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.21581 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue a writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings Vide Memo No. 11797/ Ser.IV/ A2/ 2017 dated 13.03.2018 and consequential proceedings Memo No.1378/ Admn.B1/ 2014 dated 02.04.2018 by rejecting the petitioner's case for compassionate appointment as illegal, improper, unjust, arbitrary and violation of the guidelines and further direct the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post.....”.

Heard Mr.Mahadeva Kanthrigala, learned counsel for petitioner and the learned Government Pleader for Home.

It has been contended by the petitioner that her father was appointed as a Khalasi with the respondents and while discharging the duties as Khalasi, her father expired on 11.01.2014. At the time of death of her father, as she was aged 15 years and 4 months, on attaining majority, the petitioner has submitted a representation to the respondents to consider her case for appointment on compassionate grounds. Accordingly, the respondents have considered the case of the petitioner and rejected vide proceedings dated 13.03.2018 on the ground that the petitioner was not eligible for appointment on compassionate grounds as she was under aged i.e., below the minimum age of 16 years at the time of death of her father. Challenging the same, the petitioner has filed the present writ petition.

Learned counsel for petitioner contended that the age of the petitioner at the time of her father's death was 15 years 4 months and she has submitted an application nearly after 2½ years on attaining the age of majority and the case of the petitioner is within the permissible limits as enunciated in G.O.Ms.No.165, dated 20.03.1989 and as such, the case of the petitioner can be considered for appointment on compassionate grounds. Therefore, the learned counsel contends that appropriate orders be passed in the writ petition by setting aside the rejection order dated 13.03.2018 and consequential proceedings dated 02.04.2018 with a direction to the respondents to consider the case of the petitioner for appointment on compassionate grounds strictly in terms of G.O.Ms.No.165, dated 20.03.1989.

Learned Government Pleader appearing for the respondents contended that the petitioner has submitted application nearly 2½ years after the death of her father, which is beyond the time limit prescribed in G.O.Ms.No.165, dated 20.03.1989 and therefore, the case of the petitioner was considered and rightly rejected.

This Court, having considered the rival submissions, is of the considered view that the petitioner has submitted the application just four or five months beyond the time stipulated in G.O.Ms.No.165 dated 20.03.1989 and the issue is with regard to relaxing the age of the petitioner. Therefore, the respondents shall re-consider the entire issue and pass appropriate orders afresh, by considering the case of the petitioner for appointment on compassionate grounds within four weeks from the date of receipt of a copy of this order. However, the respondents shall consider the case of the petitioner

without being influenced by the earlier rejection orders dated 13.03.2018 and 02.04.2018.

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 SHAVIL, J

Date: 25-02-2019
Prv



