

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28164 OF 2019

ORDER:

This Writ Petition is being disposed of at the admission stage, with the consent of counsel appearing for the respective parties.

2. This Writ Petition, under Article 226 of the Constitution of India, is filed seeking a Writ of Mandamus declaring the action of respondents in not appointing the petitioner on compassionate grounds and not paying the death benefits of the father of the petitioner as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to direct the respondents to appoint the petitioner in any suitable post on compassionate grounds.

3. Heard Sri S. M. Subhan, learned counsel appearing for the petitioner, and Sri B. Mayur Reddy, learned Standing Counsel appearing for the respondents.

4. It has been contended by the petitioner that his father was employed as a Driver in the respondent-Corporation and while he was discharging his duties, he expired on 20.04.2016. Therefore, the petitioner submitted a representation on 02.05.2017 requesting the respondents to appoint him on compassionate grounds and also to release the terminal benefits of his deceased father. So far, the respondents neither passed any order on the said representation nor considered the case of the petitioner for appointment on compassionate grounds. Hence, the present Writ Petition is filed.

5. Learned counsel for the petitioner had contended that appropriate orders be passed in this Writ Petition directing the respondents to consider the case of the petitioner for appointment on compassionate grounds and also to release the terminal benefits of the deceased father of the petitioner.

6. The learned Standing Counsel appearing for the respondents had contended that the petitioner has not filed the copy of the representation, which was submitted before the authorities concerned and if only the petitioner submits a fresh representation, the respondents would consider the same and pass appropriate orders in accordance with law.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within a period of two (2) weeks from the date of receipt of a copy of this order, staking his claim for appointment on compassionate ground and also to release the terminal benefits of his deceased father, and upon filing such representation, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight (8) weeks thereafter.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

December 19, 2019.
MD