

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24347 of 2013

ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring the action of respondent No.4 in not furnishing the report to the 2nd respondent inspite of receipt of letter dated 16.06.2012, as arbitrary, illegal and unjust and sought a consequential direction to direct the respondents to provide suitable job to the son of the petitioner in terms of G.O.Ms.No.504, dated 11.08.2008.

2. Heard Smt. M.Bhagyasri, counsel for petitioner and Government Pleader for General Administration Department, appearing for respondents 1 and 2.

3. It has been contended by the petitioner that her father was killed by the naxalites during the year 1971 and thereafter, the naxalites took her forcibly along with them and she had no other option but to be a part of naxalite group. The petitioner further submits that she had surrendered during 1991 and was extended all the benefits in terms of the policy of the State Government. The petitioner further submits that she had submitted a representation to the respondents to provide employment to her son, but the same was not considered by the respondents. Challenging the same, the present writ petition is filed.

4. The grievance of the petitioner is that though one of her family members was killed in extremist violence, the respondents are not

considering the case of her son for appointment on compassionate grounds, in tune with the policy of the State Government. Therefore, counsel for petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner's son for compassionate appointment in terms of G.O.Ms.No.504, dated 11.08.2008. Counsel for petitioner has further informed this Court that similar relief was granted in favour of one Ravindra Nayak vide G.O.Rt.No.1305, dated 18.03.2013, and, as the petitioner also stands on the same footing as that of the above said individual, appropriate orders be passed in the writ petition directing the respondents to consider the case of petitioner's son for appointment on compassionate grounds.

5. The Government Pleader appearing for respondents has contended that the petitioner's son is not entitled for appointment in terms of the policy of the State Government. It is stated that the petitioner's father was killed wayback in 1971 and the petitioner herself had joined naxalite group and served with the extremist group for 25 years and surrendered in 1991 and all the benefits to which the petitioner was entitled, were extended to her. It is further contended that as per G.O.Ms.No.504, dated 11.08.2008, if any family member is died in the extremist violence, the children of deceased alone are entitled for appointment on compassionate grounds, but, in the instant case, the petitioner is not seeking employment for herself on account of her father's death, but she is seeking employment to her son, who

happens to be the grand child of the deceased, which is not permissible as per G.O.Ms.No.504, dated 11.08.2008. Therefore, there are no merits in the writ petition and it is liable to be dismissed.

6. This Court, having considered the rival submissions of the parties, is of the considered view that so far, the case of the petitioner was not considered by the respondents and no orders are passed either rejecting or allowing the request made by the petitioner. Therefore, without expressing any opinion on the merits of the case, this Court is of the considered view that right to be considered is a fundamental right and since the respondents have not considered the case of the petitioner, this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order, seeking employment to her son, and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law, in another Eight weeks thereafter.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

18th September, 2019

ajr