

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27961 of 2018

ORDER

This writ petition is filed seeking the following relief:

“.....to issue an order or direction or writ more particularly one in nature of writ of Mandamus declaring the action of the respondents not considering the representation of the 1st petitioner dt. 17.5.2006 and dt. 18.5.2017 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to grant compassionate appointment to the 2nd petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri K.V.Rama Rao, learned counsel appearing for the petitioners, and Sri Bathula Raj Kiran, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the 1st petitioner that her husband viz., S.Shankar was appointed as Sub-Staff on temporary basis in the year 1994 in the respondent-Corporation. Though his services were extended from time to time, his services were not regularized. While so, the husband of the 1st petitioner met with an accident and died on 12.2.2006. Hence, she submitted a representation dated 17.5.2006 to the respondents seeking appointment to the 2nd petitioner on compassionate grounds. But, the respondents have neither considered the said

representation nor passed any orders thereon. Thereafter, the 1st petitioner submitted another representation dated 18.5.2017. But, so far, no orders have been passed by the respondents.

Learned counsel appearing for the petitioners contended that the respondent-Corporation be directed to consider the case of the 2nd petitioner for appointment on compassionate grounds by duly passing orders on the representation submitted by the 1st petitioner.

Learned Standing Counsel appearing for the respondent-Corporation contended that as per the Scheme of the Corporation, the persons, who are claiming appointment on compassionate grounds, shall submit an application within one year. It is further contended that the Scheme is applicable to the regular employees, but not applicable to the employees who are working on temporary basis. Since the husband of the 1st petitioner was only a temporary employee, the case of the 2nd petitioner for appointment on compassionate grounds cannot be considered and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the husband of the 1st petitioner rendered service for more than 12 years with the respondents and he is eligible for

regularization of his services. But for various other reasons, the services of husband of the 1st petitioner were not regularized. Unfortunately, the husband of the 1st petitioner met with an accident while discharging his duties and died on 12.2.2006. Therefore, the case of the 2nd petitioner deserves to be considered for appointment on compassionate grounds in accordance with the Scheme of the respondent-Corporation.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representations dated 17.5.2006 and 18.5.2017 submitted by the 1st petitioner and pass appropriate orders in accordance with the Scheme of compassionate appointment, which was extended to the regular employees, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

30th October, 2019
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