

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25449 of 2017

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondents in not providing employment to the petitioner either to the post of driver, jeep driver, conductor or *shramik* as illegal, unjust and in violation of Articles 14, 16 and 21 of the constitution of India and sought consequential direction to the respondents to consider the petitioner's case to the employment for the post of conductor, *shramik* or driver to either heavy or light vehicle on par with his colleagues, who were interviewed in March 2016 along with him, with all consequential benefits.

3. Heard Sri V.Narsimha Goud, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel, appearing for the respondents-Corporation.

4. The petitioner contends that his father was employed as Driver with the respondents-Corporation and his father has expired on 06-03-2011 while discharging duties. There afterwards, he has submitted an application seeking appointment on compassionate grounds on 29-01-2013. The respondents have interviewed the petitioner during March 2016 along with several other candidates. So far, they have not considered the petitioner's case for appointment on

compassionate grounds. The petitioner however, submits that during the interregnum period from March 2016 to till date, he has acquired the requisite educational qualifications for appointment to the post of Conductor and he has also acquired motor driving licence and he is fully eligible and qualified to be appointed as Driver or Conductor. He further submits that during pendency of the Writ Petition, he submitted another application on 06-07-2018 and requested the respondents to consider his case on compassionate grounds to any suitable posts such as Driver or Conductor, but the respondents have not passed any orders on the said representation.

5. Learned counsel for the petitioner however submits that the respondents-Corporation has taken a revised policy decision in respect of compassionate appointment to the candidates even if they are not satisfying the earlier recruitment rules, and therefore a policy decision was taken to liberalize the recruitment rules specially in respect of Drivers and even if they fulfill the subsequent recruitment rules also, they would be considered for appointment as Drivers. Therefore, he submits that appropriate orders be passed in the Writ Petition directing the respondents to consider the revised application submitted by the petitioner on 06-07-2018 and to pass appropriate orders in accordance with law.

6. Learned Standing Counsel for the respondents had submitted that the case of the petitioner would be considered and

appropriate orders would be passed on the revised application of the petitioner submitted on 06-07-2018 in accordance with rules.

7. Accordingly, the Writ Petition is disposed of directing the respondents-Corporation to consider the case of the petitioner for appointment on compassionate grounds in any suitable post in accordance with rules and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 11-06-2019
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