

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.35354 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents in not considering the case of petitioners for appointment on compassionate grounds though the fathers of petitioners 1 3 and 4 and husband of 2nd petitioner found eligible for absorption and not considering the petitioners cases only on the ground that deceased employees were not regular employees as on date of death as highly illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India apart from contrary to the judgement of this Honorable Court made in Writ Appeal No.657/ 1999 dated 01/ 12/ 1999 and consequently direct the respondents to consider the cases of petitioners for appointment in the light of the judgement of this Honorable Court in Writ Appeal No 657/ 1999, dated 01/ 12/ 1999.....”.

Heard Mr.G.V.Shivaji, the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

It has been contended by the petitioners that their family members worked with the respondents on contract basis and they are fully eligible for regularisation but on account of administrative lapses, the services of petitioners' family members could not be regularized and they died while discharging duties with the respondents. While working with the respondents, the family members of the petitioners sought regularisation of their services in terms of BPMS No.37, dated 18.05.1997. Pending consideration, the family members of the petitioners expired. The respondents have taken a policy decision to extend the scheme of compassionate appointment even in favour of the dependants of employees, who are eligible for regularisation and whose services could not be

regularized on account of administrative lapses. The petitioners have submitted representations to the respondents on 22.03.2018 requesting to consider their cases for appointment on compassionate grounds in terms of the policy decision taken by the respondents. But, so far, the respondents have not passed any orders on the said representations nor considered the cases of petitioners for appointment on compassionate grounds.

Learned counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for appointment on compassionate grounds by duly considering and disposing of the representations submitted by the petitioners in accordance with law.

Learned Standing Counsel appearing for the respondents has contended that the petitioners are not entitled for compassionate appointment because as per the Scheme, the dependants of the deceased employees have to submit representations within one year from the date of death of the deceased employees. Admittedly, in the instant case, the petitioners have submitted representations with a delay of more than ten years. Therefore, the cases of the petitioners for appointment on compassionate grounds cannot be considered. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioners on 22.03.2018 and pass appropriate orders in

accordance with law within eight weeks from the date of receipt of a copy of this order.

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: 07-11-2019
Prv

