

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.8416 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for appointment on compassionate grounds as per G.O.Ms.No.118 dt.18.8.1999 as void, illegal, arbitrary, unconstitutional and contrary to Articles 14 and 16 of the Constitution of India and consequently direct the respondent Nos.1 and 2 to consider the case of the petitioner for compassionate appointment as per G.O.Ms.No.118 dt.18.08.1999 by considering the proposals made by the 4th and 5th respondents without reference to G.O.Rt.No.566 dt.11.8.2016.....”.

Heard Mr.A.Dattanand, the learned counsel for the petitioner, learned Government Pleader for Services-III and the learned Standing Counsel for the 5th respondent.

It has been contended by the petitioner that his father was appointed as NMR worker with the 5th respondent on 30.06.1986 and he worked continuously and he is fully eligible for regularisation but on account of administrative lapses, the services of petitioner's father could not be regularized and his father died on 28.11.2007 while discharging duties with the 5th respondent. The State Government has taken a policy decision to extend the scheme of compassionate appointment even in favour of the dependants of NMR employees, who are eligible for regularisation and whose services could not be regularized on account of administrative lapses. The petitioner has submitted a representation to the respondents on 28.12.2007 requesting to consider his case for appointment on compassionate grounds in terms of G.O.Ms.No.118

dated 18.08.1999. But, so far, the respondents have not passed any orders on the said representation nor considered the case of the petitioner for appointment on compassionate grounds.

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

Learned Government Pleader as well as the learned Standing Counsel appearing for the respondents have contended that if the petitioner submits a fresh representation to the respondents, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

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 petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order seeking appointment on compassionate grounds in terms of G.O.Ms.No.118 dated 18.08.1999. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within eight weeks thereafter.

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 SHAVILU, J

Date: 23-10-2019
Prv

