

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37698 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the rejection of proposal for compassionate appointment of the petitioner under social security measures for the reason being daughter of 2nd wife of the deceased-employee vide proceedings dated 07.07.2018, as illegal, unjustified and sought a consequential direction directing the 3rd respondent to consider the application of petitioner as per law within reasonable time frame.

Heard Sri M.Arvind, counsel for petitioner, Government Pleader for Services-I appearing for respondents 1 to 3 and Sri G.Narender Reddy, Standing Counsel appearing for respondent No.4.

It has been contended by the petitioner that her father had expired on 16.10.2016 while serving with the respondents. Therefore, the petitioner has submitted a representation to the respondents on 02.05.2018 requesting to consider her case for appointment on compassionate grounds. The petitioner further contend that the respondents have considered her case and rejected the same vide proceedings dated 07.07.2018 on the ground that the petitioner is the daughter of the 2nd wife of the

deceased-employee and hence her request was rejected. The counsel for petitioner submits that the petitioner is the daughter of the deceased-employee and respondents cannot reject the application of the petitioner on the ground that she is the daughter of the 2nd wife of the deceased-employee. The children born to the deceased-employee cannot be termed as illegitimate children. Every child has to be treated as legitimate child, therefore, the rejection order is liable to be set aside and contend that appropriate orders be passed by setting aside the impugned rejection order dated 07.07.2018 and further direct the respondents to consider the case of the petitioner for appointment in any suitable post on compassionate ground.

The learned Standing Counsel appearing for respondents contend that the case of the petitioner will be examined in accordance with law and appropriate orders will be passed within reasonable time.

This Court, having considered the rival submissions of the parties, is of the considered view that the impugned rejection order dated 07.07.2018 is passed rejecting the case of the petitioner only on the ground that the petitioner is the daughter of the 2nd wife of the deceased-employee, which is not permissible under law. The children, whether born to the 1st wife or the 2nd wife, are to be treated as legitimate children of the

deceased-employee. Therefore, the impugned rejection order is liable to be set aside and accordingly it is set aside. The respondents are directed to consider the case of the petitioner afresh for appointment on compassionate ground in any suitable post and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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

30th January 2019

ajr