

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.37297 of 2017

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ or order more particularly in the nature of Writ of Mandamus declaring the action of the respondents in rejecting the claim of the petitioner for compassionate appointment into suitable post vide proceedings in Memo No.11969/Pts.V/A1/2016-1/dated 21.04.2017 which is against the spirit of the circular Memo No.60681/Ser-A/20031, dated 12.08.2003, General Administration Department as being illegal, arbitrary and unconstitutional and consequently set aside the impugned order of 1st respondent dated 21.04.2017 issued in Memo No.11969/Pts/V/A1/2016-1 by directing the 1st respondent to appoint the petitioner in a suitable eligible post on compassionate grounds 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 N.Ravi Prasad, learned counsel for the petitioner, and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that her mother was employed as Sweeper with the respondents and she expired on 31.12.2014 while discharging her duties. Thereafter, she submitted an application seeking appointment on compassionate grounds. But the respondents have rejected her case on the ground that she is the married daughter of the deceased.

Learned counsel for the petitioner contended that even a married daughter is entitled for appointment on compassionate grounds. In support of his contention, he placed reliance on the judgment reported in *Commissioner of Police & others vs K.Padmaja*¹. It is prayed that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post by duly taking into consideration the decision referred to supra.

Learned Government Pleader appearing for the respondents contended that the case of the petitioner would be considered in accordance with the law laid down in *Commissioner of Police & others vs K.Padmaja* and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that since the impugned rejection order dated 21.4.2017 is contrary to the law laid down in *Commissioner of Police & others vs K.Padmaja* (referred to supra), the same is liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned rejection order dated 21.4.2017 is set aside. The

¹ 2013 (4) ALT 501

respondents are directed to consider the case of the petitioner for appointment on compassionate grounds in any suitable post by duly taking into consideration the law laid down in *Commissioner of Police & others vs K.Padmaja* and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

Date: 31.12.2019
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JUSTICE ABHINAND KUMAR SHAVILI

