

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.39423 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 3rd respondent in rejecting the claim of the petitioner for compassionate appointment by issuing proceedings dated 26.01.2018 as illegal, arbitrary, unconstitutional being violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post as per the law laid down by this Court in W.P.No.45081 of 2017, dated 03.01.2018, and appoint the petitioner with all consequential benefits.

Heard Sri S. Gopal Rao, counsel for the petitioner, and Government Pleader for Services-I appearing for the respondents.

It has been contended by the petitioner that his father was employed as Second Grade Teacher with the respondents and while he was discharging his duties, he has expired on 26.06.2006. Counsel for the petitioner has contended that the petitioner was about 13 years at the time of the death of his father. It is also stated that on attaining the age of majority, the petitioner has submitted an application for appointment on compassionate grounds, but the respondents have rejected the case of the petitioner *vide* orders dated 26.01.2018.

Counsel for the petitioner had further contended that the issue raised in the present writ petition is squarely covered by the order passed by a Division Bench of this Court in W.P.No.26184 of 2011, dated 20.09.2011, wherein this Court had upheld the orders passed by the Tribunal in O.A.No.3890 of 2010 dated 15.07.2011. Counsel for the petitioner also contended that in the said O.A.No.3890 of 2010, the Tribunal has directed the respondents therein to relax the conditions relating to the length of time, for considering the case of the petitioner for appointment on compassionate grounds. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to re-consider the case of the petitioner for appointment on compassionate grounds by duly relaxing the conditions relating to the length of time, so far as the petitioner is concerned.

Government Pleader appearing for the respondents had contended that in view of the law laid down by the Tribunal in O.A.No.3890 of 2010, dated 15.07.2011, which was confirmed by this Court in W.P.No.26184 of 2011, the case of the petitioner would be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that the impugned rejection order, dated 26.01.2018, passed by the respondents is contrary to law and accordingly, the same is set aside.

The respondents are directed to re-consider the case of the petitioner for appointment on compassionate grounds by duly taking into account the orders passed in W.P.No.26184 of 2011, dated 20.09.2011, and pass appropriate orders within a reasonable period of time, preferably within eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24.12.2019
v v

