

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40843 OF 2017

ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring the inaction of the respondents in providing compassionate appointment to the petitioners by considering the representations dated 02.11.2009, 05.01.2014 and 03.11.2010, as arbitrary, illegal and violative of principles of natural justice, and sought a consequential direction to the respondents to provide compassionate appointment to any one of the petitioners without reference to the memo issued by the 2nd respondent.

Heard Sri Kowturu Pavan Kumar, counsel for the petitioners, and Government Pleader for Services-I.

It has been contended by the petitioners that their father, who was employed as Senior Assistant with the respondents, had expired on 16.08.2009 while discharging his duties. Thereafter, the 2nd petitioner and his mother had submitted an application on 02.11.2009 requesting the respondents to provide compassionate appointment. But, the said request was rejected by the 2nd respondent *vide* memo dated 29.06.2015 on the ground that the petitioners have not submitted application within one year from the date of death of their father.

Counsel for the petitioners submits that the 2nd petitioner along with his mother has submitted an application to the respondents on 02.11.2009 i.e., well within one year from the date of death of the

father of the petitioners, and a copy of the said representation is filed at page No.13 of the material papers annexed to the writ petition, therefore, the impugned memo dated 29.06.2015 is without application of mind and without verifying the record. Therefore, counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioners for compassionate appointment in terms of G.O.Ms.No.612 dated 30.10.1991.

Government Pleader had contended that since the petitioners have not submitted application within one year from the date of death of their father, their case was rejected by the respondents, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by learned counsel for respective parties, is of the view that the petitioners could demonstrate before this Court that they have submitted application on 02.11.2009 seeking compassionate appointment and a copy of the said application has been filed at page No.13 of the material papers annexed to the writ petition. Therefore, the impugned memo dated 29.06.2015 is not in accordance with law and the same is accordingly set aside and the respondents are directed to re-consider the case of the petitioners for providing compassionate appointment to either the 1st petitioner or the 2nd petitioner, whoever is eligible, in any suitable post, in accordance with G.O.Ms.No.612

dated 30.10.1991 and pass appropriate orders within a period of 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 SHAVILI, J

20th August 2019
v v

