

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.881 of 2020

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a 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 to the post of Cleaner or any other suitable post in the office of the 3rd respondent-Corporation on compassionate grounds though the petitioner is fully eligible and entitled for the same is as illegal, arbitrary, unjust and violative of Articles 14, 16 and 21 of the Constitution of India and consequently hold that the petitioner is entitled for appointment to the post of Cleaner or any other suitable post in the office of the 3rd respondent-Corporation on compassionate grounds with all consequential benefits 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 K.Lakshmana Raju, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration appearing for respondent Nos.1 & 2 and Sri N.Ramu, learned Standing Counsel appearing for respondent No.3.

It is the case of the petitioner that his father was employed as NMR worker in the 3rd respondent-Municipal Corporation and while in service, he expired on 18.06.2014. Thereafter, he submitted representations dated 9.10.2014 and 13.12.2015 seeking appointment on compassionate grounds.

But, the respondents have rejected his case *vide* order dated 6.6.2016 on the ground that the SLP filed against the regularization of his father is pending before the Apex Court.

Learned counsel appearing for the petitioner contended that the Apex Court dismissed the SLP preferred by the 3rd respondent *vide* order dated 18.09.2019 and thereafter, the petitioner has submitted a detailed representation on 6.11.2019 bringing to the notice of the 3rd respondent about the dismissal of the SLP. It is prayed that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 6.11.2019 submitted by the petitioner by duly taking into consideration the fact that the SLP preferred by the 3rd respondent was already dismissed by the Apex Court.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents contended that since the SLP preferred by the 3rd respondent was dismissed, the case of the petitioner would be considered and appropriate orders would be passed in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on

6.11.2019 seeking appointment on compassionate grounds as Cleaner or any other suitable post by duly taking into consideration the fact that the SLP was dismissed by the Apex Court vide order dated 18.9.2019, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 10.01.2020

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