HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY ,THE FIRST DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 9579 OF 2020

Between:
Smt.Kahekashan Sultana, W/o late Shaik Khaliq Hussaiah, aged 46 years, occ. House wife, R/o H.No.5-4-85/F/6, Tayyabnagar, Ramaiah Bouli street, Mahabubnagar.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Prohibition and Excise Department Secretariat Buildings, Hyderabad.
2. The Commissioner of Prohibition and Excise, State of Telangana Abkari Bhavan Nampally Road, Hyderabad.
3. The District Prohibition and Excise Officer, Vikarabad, District.
4. The Thasildhar, Mahabubnagar, Urban Mandal Mahabubnagar.
5. Smt. Shareefa Bee, W/o Late Shaik Khaliq Hussain age.40 years Occ. Huse vife. H.No.5-1-61, allabhnagar, Mahabubnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ Order or Direction more particularly one in the nature of writ of mandamus declaring the proceedings of the Respondent No.3 request Rejection Intimation vide Rc No.A/3/695/2019 dated 28-12-2020 the action of the respondent No.4 as arbitrary illegal discriminatory malafide and unconstitutional violating Articles 14 16 and 21 of the Constitution of India apart from following the Principles of Natural Justice as well as contrary to the A P/Telangana State Subordinate Service Rules and set aside the same and issue consequential direction directing the respondents not appoint the respondent No.5.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.1 to 3 not to consider the Respondent No.5 for compassionate appointment pending disposal of the above writ petition.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the proceedings Request Rejection Intimation vide Rc No.A/3/695/2019 dated 28-12-2020 issued by the Respondent No.3.

Counsel for the Petitioner: SRI. G. RAJESHWAR RAO

Counsel for the Respondent Nos.1 to 4: GP FOR PROHIBITION EXCISE

Counsel for the Respondent No.5: NONE APPEARED

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9579 OF 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

2. Petitioner applied to the District Prohibition and Excise Officer, Mahabubnagar, to provide employment on compassionate grounds on the death of her husband Late Shaik Khaliq Hussain on 28.04.2019. From the rejection intimation dated 28.12.2019, impugned in this writ petition, it appears, the District Prohibition and Excise Officer directed the petitioner to furnish certain documents. Petitioner sought some more time stating that petitioner applied to the revenue authorities, but so far the revenue authorities have not furnished the documents. Rejecting the request of the petitioner, order was passed on 28.12.2019. From the reading of the order, it appears, the Tahsildar, Mahabubnagar, vide his letter, dated 20.09.2019, already issued endorsement against petitioner.

3. Learned counsel for the petitioner fairly submits that the Tahsildar vide his endorsement, referred to above, rejected the request of the petitioner to grant legal heir certificate stating that first wife of the husband of the petitioner already obtained such certificate. Learned counsel also states that petitioner has instituted suit and the same is pending.

4. Since petitioner does not have the legal heir certificate, rejection of request for provision of employment on compassionate

grounds cannot be faulted. Therefore, there is no error in the order passed by the District Prohibition and Excise Officer. However, if the petitioner succeeds before the civil Court in establishing that she is the legal heir of late Shaik Khaliq Hussain, it is open to the petitioner to submit fresh application requesting to provide employment on compassionate grounds. As and when such application is made, it is open to the competent authority to consider the request of the petitioner, subject to fulfillment of all other parameters to provide employment on compassionate grounds.

5. The writ petition is accordingly disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The District Prohibition and Excise Officer, Vikarabad, District.
2. One CC to Sri G. Rajeshwar Rao Advocate [OPUC]
3. Two CCs to the GP for Services-III, High Court for the State of Telangana at Hyderabad. (OUT)
4. Two CCs to the GP for Prohibition and Excise, High Court for the State of Telangana at Hyderabad. (OUT)
5. Two CD Copies

CHR

HIGH COURT

DATED:01/07/2020

ORDER

W.P.No.9579 of 2020



DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS

(8) Copies
Sm
10/7/20