

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

**WEDNESDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 17600 OF 2020

Between:

V. Santhosh. S/o Late V.Sri Rangarao, Aged about 37 Years, Occu: Unemployee,
R/o.H.No.1-1-582, Bheemuni Dubba, Korutla, Korutla Mandal, Jagithyal District
...PETITIONER

AND

1. The District Collector, Karimnagar, Karimnagar District.
2. The District Collector, Jagithyal, Jagithyal District.
3. The Government of Telangana, rep., by its Principal Secretary, GAD Department, Telangana Secretariat, Hyderabad

...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 Orders more particularly one in the nature Writ of Mandamus directing the respondents to appoint the petitioner in any Class-IV category of post under compassionate grounds in terms of G.O.Ms.No.504 GAD dated 11/8/2008 by extending the benefit of judgment dated 16/11/2017 in W.P.No.21492/2014 and batch and judgment dated 22/8/2019 in WP.No.19038/2018 with all consequential benefits, by setting aside the impugned rejection orders dated 12/10/2012 of the 1st respondent by holding the action of respondents in not considering petitioners genuine claim for compassionate appointment by considering his recent representation dated 26/8/2019 is illegal, arbitrary discriminatory and violative of Article 14 & 16 of Constitution of India.

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 respondents to consider the petitioner representation dated 26/8/2019 for compassionate appointment in terms of judgment dated 16/11/2017 in WP.No.21492/2014 and batch and judgment 22/8/2019 in WP.No.19038/2018.

Counsel for the Petitioner: SRI. CH. JAGANNATHA RAO

Counsel for the Respondents: GP FOR GENERAL ADMINISTRATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17600 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

"to issue a Writ, Order or Orders more particularly one in the nature Writ of Mandamus directing the respondents to appoint the petitioner in any Class-IV category of post under compassionate grounds in terms of G.O.Ms.No.504, GAD dated 11.8.2008 by extending the benefit of judgment dated 16.11.2017 in W.P No.21492/2014 and batch and judgment dated 22.8.2019 in W.P.No.19038/2018 with all consequential benefits, by setting aside the impugned rejection orders dated 12.10.2012 of the 1st respondent by holding the action of respondents in not considering petitioner's genuine claim for compassionate appointment by considering his recent representation dated 26.8.2019 is illegal arbitrary discriminatory and violative of Article 14 and 16 of Constitution of India."

2. Heard Sri Ch.Jagannatha Rao, learned counsel for the petitioner and learned Government Pleader for General Administration appearing for the respondents.

3. It is the case of the petitioner that his father and mother were killed by extremists in the year 1989. Therefore, the State Government has taken policy decision vide G.O.Ms.No.504, dated 11.08.2008, to provide employment to one of the family members of the victims, who were killed in extremist violence. The said G.O. clearly states that the family members of the victims, who were killed in extremist violence prior to 26.02.1996, are also entitled to be considered for appointment

on compassionate grounds. Basing on the aforesaid G.O., the petitioner requested the authorities concerned for compassionate appointment. But, his case was rejected by the respondents vide proceedings, dated 12.10.2012 grounds he was aged only six years three months of age at the time of death of his father and mother and hence, he is not eligible. Thereafter, also the petitioner submitted representation to the authorities concerned in the year 2014, but the respondents have not taken any action due former State of Andhra Pradesh has been bifurcated into two States and the present Jagithyal District is carved out as a separate District and due to administrative reasons, the District Collector of previous District i.e., the 1st respondent herein is looking after the policy issues of new District. On coming to know about the judgment, dated 16.11.2017, passed by this Court in W.P No.21492 of 2014 and batch and judgment dated 22.8.2019 passed in W.P.No.19038 of 2018, the petitioner submitted a representation on 26.08.2019 to the respondents, but so far, the respondents have not passed any orders on the said representation.

4. The grievance of the petitioner is that since the policy decision was taken by the State Government in the year 2008 to provide employment to the family members of the victims, who were killed in extremist violence prior to 26.02.1996, the respondents ought not to have rejected his case.

5. Learned counsel appearing for the petitioner submits that the impugned order dated 12.10.2012 is liable to be set aside

and the respondents be directed to provide employment to the petitioner on compassionate grounds strictly in terms of G.O.Ms.No.504, dated 11.08.2008, basing on the representation of the petitioner, dated 26.08.2019 .

6. Learned Government Pleader appearing for the respondents contends that the case of the petitioner would be considered in accordance with the latest policy of the State Government.

7. Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of with the following direction:

The respondents shall consider the representation of the petitioner, dated 26.08.2019, for appointment on compassionate grounds, in accordance with the latest policy of the State Government, and pass appropriate orders within a period of eight weeks. It is needless to state that the respondents shall consider the case of the petitioner afresh without being influenced by the earlier rejection order dated 12.10.2012.

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

Miscellaneous petitions, if any, pending shall stand closed.

SD/- N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The District Collector, Karimnagar, Karimnagar District.
2. The District Collector, Jagithyal, Jagithyal District.
3. The Principal Secretary, GAD Department, Government of Telangana, Telangana Secretariat, Hyderabad.
4. One CC to Sri. Ch. Jagannatha Rao, Advocate [OPUC]
5. Two CCs to GP for General Administration, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

CHR



HIGH COURT

DATED:04/11/2020



ORDER

W.P.No.17600 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COTS

8
PERA
16/11/2020.