

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**AND**

**THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

**WRIT PETITION No.5214 of 2003**

**ORDER:** *(Per the Hon'ble Sri Justice Abhinand Kumar Shavili)*

When the matter is taken up for hearing, it has been contended by the learned counsel for the petitioner that the petitioner was working as a Driver in the Postal Department since 1989 and he was removed from service by the disciplinary authority *vide* orders dated 20.01.1995 and thereafter, the petitioner has unsuccessfully preferred appeal and revision and later challenged the orders of removal before the Central Administrative Tribunal, Hyderabad (Tribunal) by filing O.A.No.827 of 1997 and the same was dismissed *vide* orders dated 16.03.1999. Challenging the same, the present writ petition is filed.

2. Learned counsel for the petitioner had contended that during the pendency of the present writ petition, the petitioner has expired on 22.08.2019 and thereafter, the legal representative of the deceased employee has come on record

and the same is ordered today i.e., I.A.No.1 of 2019. Now since the deceased employee has expired, in the interest of justice, let the legal representative of the deceased employee be permitted to file an application before the respondents under Rule 41 of the CCS Pension Rules seeking compassionate allowance and upon such an application being moved by the legal representative, let the respondents consider the same and pass appropriate orders in accordance with law.

3. This Court, having considered the said submissions, is of the considered view that this writ petition can be disposed of directing the legal representative of the deceased employee to submit an application seeking compassionate allowance in terms of Rule 41 of CCS Pension Rules within one (01) month from today and upon such application being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another four (04) months thereafter.

4. With these observations, Writ Petition is disposed of. However, there shall be no order as to costs.

5. As a sequel, miscellaneous applications pending, if any, in this Writ Petition, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

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**NAMAVARAPU RAJESHWAR RAO, J**

Date: 20.10.2022  
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