

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3808 OF 2017

(@ SPECIAL LEAVE PETITION (CIVIL) NO. 6630 OF 2016)

KAPIL S/O LATE GANDAMMA

...APPELLANT(S)

VERSUS

THE GREATER HYDERABAD MUNICIPAL CORPORATION, REP. BY ITS
COMMISSIONER & ANR.

...RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant applied for compassionate appointment on 16.06.2012. The mother of the appellant was employed with Municipal Corporation, Greater Hyderabad and she died on 18.04.2012. Since the representation was not accepted, he approached the Central Administrative Tribunal. The Tribunal directed as follows:

"In this case, the applicant made a detailed representation to the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad, which was received by them on 16.11.2012. Keeping into view that compassion is required in this case, the respondents are directed to take necessary action for appointing the applicant on compassionate grounds as per the G.O.Ms.No.179, Municipal Administration & Urban Development (G1) Department, dated 24.03.2010 and G.O.Ms.No.661 G.A. (Ser.G) Department, dated 23.10.2008. This process shall be completed with a period of six weeks from the date of receipt of a copy of this order".

The above order has been reversed by the High Court. The High Court held that the claim in question was not applicable to Municipal Corporation at the relevant time. Be that as it may, in the facts and circumstances of the case, it is just and proper that the case of the appellant be considered for compassionate appointment as directed by the Tribunal.

Accordingly, we set aside the impugned order and allow this appeal and restore the order of the Tribunal.

The order may be implemented within a period of one months.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
6TH MARCH, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.60

COURT NO.13

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6630/2015

(Arising out of impugned final judgment and order dated 12/08/2014 in WP No. 19436/2014 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

KAPIL S/O LATE GANDAMMA

Petitioner(s)

VERSUS

THE GREATER HYDERABAD MUNICIPAL CORPORATION, REP. BY ITS
COMMISSIONER & ANR. Respondent(s)

(With office report)
(For final disposal)

Date : 06/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Mehul M. Gupta,Adv.
Mr. D. L. Chidananda,Adv.

For Respondent(s) Mr. P. Venkat Reddy,Adv.
Mr. Prashant Kr. Tyagi,Adv.
M/s. Venkat Palwai Law Associates,Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed
order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Suman Jain)
Court Master