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**HON'BLE DR JUSTICE K.G. SHANKAR**

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**WRIT PETITION NO. 25902 OF 2003**

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**ORDER:**  
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The petitioner seeks for compassionate appointment on the ground that the order of rejection passed on 28.7.1999 and again on 4.7.2003 by the second respondent is bad.

The father of the petitioner by name Narsingrao was working as Kamatti in the second circle of the Municipal Corporation of Hyderabad. He died on 4.4.1987 in harness. By then, the petitioner was 9 years old. The mother of the petitioner submitted a representation on 25.1.1998 to the first respondent intimating the first respondent about the demise of her husband and her intention to seek compassionate appointment for her son. She stated in her representation that the petitioner herein, who is her only child, was a minor and consequently was ineligible for appointment in terms of G.O.Ms.No. 699, Municipal Administration and Urban Development, dated 28.8.1978 and that she seeks appointment to her son as soon as the petitioner attains

majority.

As the representation was only an advance intimation, no action was taken on the representation. Subsequently, the petitioner submitted representations on 27.5.1999 and 25.6.1999. It is alleged that he made several other representations also. On 28.7.1999, the first respondent passed orders stating that request for compassionate appointment must be made within two years from the date of the demise of the employee and that the representation of the petitioner about 12 years after the demise of his father is not maintainable. Once again, the mother of the petitioner would appear to have made a representation, seeking compassionate appointment for the petitioner. In response thereto, the second respondent passed orders on 4.7.2003 rejecting the request.

G.O.Ms.No. 699 provides certain conditions for compassionate appointment. One of the conditions is that the deceased employee must have died within one year from the date of application. In the rejection orders dated 28.7.1999 and 4.7.2003, the second respondent read G.O.Ms.No. 699 and stated that the petitioner was not within the period of limitation covered by G.O. and that he, therefore, could not be given compassionate appointment.

The learned counsel for the petitioner placed reliance

upon the decision of the Division Bench in W.A.No. 69 of 2012. In that case, with reference to compassionate appointment to the employees, who were killed by extremists, the finding of the Single Judge was confirmed by the Division Bench ordering appointment of the first respondent therein even though he did not apply within two years from the date of the demise of his father. Similar view was taken by a learned Single Judge of this Court in W.P.No. 10588/12 through orders dated 13.4.2012. I am afraid that neither of these decisions is applicable to the facts of the present case. In those two cases, there was an order in G.O.Ms.No. 469 dated 8.11.1996 and another order was issued by the General Administration in G.O.Ms.No. 504 on 11.8.2008. On the basis of G.O.Ms.No. 504, the petitioners therein sought for compassionate appointment. Such is not the situation in the present case. I, therefore, see no ground to allow this petition on the basis of the two decisions.

However, it is an admitted fact that by the time the father of the petitioner died, the petitioner was a minor. From the orders dated 28.7.1999 and 4.7.2003, it is evident that the petitioner submitted representations on 27.5.1999 and 24.6.1999, more or less soon after the petitioner attained majority. Indeed, the very scheme of compassionate appointment is envisaged to provide relief to the dependents

of the deceased employee, who died in harness. Where the admitted fact is that the petitioner is the son of the deceased employee and where he had approached through his mother before he attained majority and personally after he attained majority seeking for compassionate appointment, he cannot be found fault with on the ground that he did not approach the authorities within two years from the date of demise of his father. The learned counsel for the respondents submitted that there is no relaxation provision in G.O.Ms.No. 699 and that as long representations were made beyond two years from the date of demise of the deceased employee, the request of the petitioner cannot be considered. He also submitted that the wife of the deceased employee could have sought for compassionate appointment instead of asking for compassionate appointment for her son. It is not clear why the mother of the petitioner did not seek for any compassionate appointment on the demise of her husband. However, the petitioner cannot be found fault with since the petitioner approached the authorities as soon as he attained majority. Before the petitioner attained majority, he could not have been appointed inspite of G.O.Ms.No. 699. I, therefore, consider that the case of the petitioner is liable to be considered for compassionate appointment once the petitioner applied as soon as he attained majority. I,

therefore, deem it appropriate to direct the respondents to consider the case of the petitioner for compassionate appointment.

Accordingly, this Writ Petition is ordered directing the respondents to consider the case of the petitioner for compassionate appointment ignoring the Rule of making the request within two years from the date of death of the deceased employee and to appoint the petitioner, if he is otherwise eligible for appointment. This exercise shall be completed by the respondent within eight weeks from the date of receipt of a copy of this order. No costs. Miscellaneous petitions, pending if any in this Writ Petition, shall also stand closed.

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DR JUSTICE K.G.SHANKAR

DATE: 05.12.2013

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