

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.21053 of 2015

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10.07.2015

Between:

Padma Veena @ Kurmi Veenakumari

...Petitioner

And

The Vice Chairman and Managing Director, Andhra
Pradesh State Road Transport Corporation and others

...Respondents

Counsel for the petitioner: Mr.P.Venkateshwer Rao

Counsel for the respondents: Mr. Aravala Rama Rao
standing counsel for APSRTC

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not appointing the petitioner to any suitable post on compassionate grounds in place of her deceased husband who was working as a contract driver with the respondents as illegal and arbitrary.

The petitioner's husband, viz., K.Sovandra Kumar, was appointed as contract driver in Chittoor Depot on 27.12.2007. As the cruel fate would have it, he died in a freak accident on 30.03.2010 while on duty. The petitioner, a young widow, claims that she has a daughter and two sons, aged 10, 8 and 6 years respectively. The petitioner was knocking at the doors of the respondents for providing her with compassionate appointment. As her requests were proved to be a cry in the wilderness, she applied to respondent No.2 under the Right to Information Act, 2005 (for short 'the Act') for furnishing the reasons for her non-appointment. In reply, the office of respondent No.2 furnished information to the petitioner to the effect that as per letter No.GC2/140/2010-PO-I, dated 20.06.2013, one of the members of the family of the regular employees dying in harness is alone being appointed under compassionate appointment scheme depending upon the educational qualifications possessed by them and as the petitioner's husband was only a contract employee, this policy does not apply to his family members.

The petitioner filed a copy of memorandum of understanding reached between the management of the Corporation and the employees' Unions of the Corporation on 04.07.2013 in the Corporate Office, Hyderabad. The management of the Corporation was represented by Mr.A.K.Khan, Managing Director of the Corporation, and a host of other top functionaries of the Corporation and the

Workers Unions of the Corporation were represented by its Presidents and members. One of the subjects on which the understanding was reached and signed by both the parties was 'Bread Winner Scheme', which reads as under:

“(ii) Bread Winner Scheme: The unions represented for extension of the Bread Winner Scheme to contract crew with retrospective effect while the management proposed for implementation of the scheme with prospective effect. After negotiations, implementation of the scheme with immediate effect was mutually agreed to. It is also agreed to seek clarification from the Government to continue the scheme for future beneficiaries in respect of both regular and contract employees' dependents.”

At the hearing, Mr.Aravala Rama Rao, learned standing counsel for the Corporation, submitted that so far the Government has not ratified the aforesaid memorandum of understanding. In my opinion, the Corporation, being a statutory entity, is empowered to take its own decisions unless any statutory provision requires such ratification by the Government. No such statutory provision is brought to my notice in this regard. Whether under the Bread Winner Scheme, the petitioner is entitled for compassionate appointment or not needs to be considered by the competent authority. However, the aforesaid information furnished to the petitioner under the Act has not taken into consideration the abovementioned memorandum of understanding reached between the management and the Unions of the Corporation.

Therefore, respondent No.2, who is stated to be the competent authority for considering appointments on compassionate grounds, is directed to consider whether the petitioner is entitled to be given compassionate appointment under the Bread Winner Scheme as per the memorandum of understanding, dated 04.07.2013; pass an appropriate order and communicate the same to the petitioner within one month from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.27111 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th July, 2015
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