

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.3195 OF 2015

DATED:13.2.2015

Between:

M. Poorna Sujith

... Petitioner

And

The District Judge
East Godavari District at Rajahmundry
State of Andhra Pradesh
and another

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.3195 OF 2015

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed by the dependent of a deceased employee in the Court establishment of Rajahmundry. The petitioner's father died in harness. He made an application sometime prior to 24th July 2012 for appointment on compassionate ground in a befitting post according to his qualification then he had. According to the petitioner, at that point of time he had qualification of Intermediate, which is befitting to the post of Junior Assistant. However, the learned District Judge, considering the application, offered appointment on temporary basis in the post of Attender by an order dated 24th July 2012. However, on receipt of this order of appointment, the petitioner made a representation on 16.8.2012 for reconsideration of the appointment to the post of Junior Assistant instead of Attender on the grounds given therein. At the same time, he requested to put this order of appointment in abeyance till such consideration. Thereafter, the representation was forwarded to various authorities.

Ultimately, the learned District Judge on 4.8.2014 categorically refused to accede to such request. Since the petitioner did not join the post of Attender within the time mentioned in the previous order, no appointment was given. By the order impugned dt.4.8.2014, the learned District Judge recorded that the request for appointment to the category of Junior Assistant on compassionate ground is not possible,

nor extension of time to join the post of Attender even, was allowed. Placing all these facts, present writ petition has been filed to challenge both the orders.

Learned counsel for the petitioner submits that the petitioner made an application for appointment to the post of Junior Assistant befitting to his qualification initially, of course a copy of the said application is not placed before us. We presume it is so. He therefore complains that under the scheme the learned District Judge should have considered the prayer for appointment to the post of Junior Assistant. He has drawn our attention to clause (iii) of the Scheme, which governs the methodology of appointment on compassionate ground. We set out the same hereunder:

“III. POST TO WHICH THE APPOINTMENTS CAN BE MADE:

Appointments under the scheme can be made to the post of Junior Assistant or for any other category of posts whose pay is equal or less than that of Junior Assistant....”

Rejecting the contention of the learned counsel for the petitioner, we are of the view that the aforesaid scheme provides for ample discretion to the learned District Judge to appoint to any post, may be higher post or lower post. The aforesaid post is not a matter of right. It depends upon many factors, namely, vacancy position, requirement of the job etc. When the District Judge found that Attender post was suitable, at this stage it is not for the Court to substitute its view.

Moreover, at this stage, compassionate appointment is perhaps unnecessary as the scheme therefor is to tide over the crisis, which would befall on account of sudden death of the employee. It appears the death took place in the year 2011 and the petitioner and other members of the family of the deceased employee could manage for over a period of four years. Hence, we feel that there has been no necessity for appointment on compassionate ground.

We therefore do not find any merit in this writ petition and the same is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

13.2.2015

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