

HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION NO. 28226 OF 2015

ORDER:

Heard learned counsel appearing for petitioner and Sri A. Rama Rao, learned Standing Counsel for APSRTC.

The petitioner is the wife of deceased employee Sri C. Hari Prakash, who worked as Shramik in the respondent-Corporation died in harness on 26.6.2003 while discharging his duties at Zonal Work Shop, Nellore. It is submitted that the petitioner did not submit any nomination while he was in service. Therefore, for the purpose of drawing the death benefits of the deceased employee viz., petitioner and the mother of the deceased, approached the Court of II Additional District Judge, Madanapalli for issuance of succession certificate. The II Additional District Judge, Madanapalli, passed an order on 30.9.2005 in O.P.No. 154 of 2003 to distribute the terminal benefits @ 50% to the petitioner and the mother of the deceased. Accordingly, respondent-Corporation paid the death benefits to the petitioner as well as the mother of the deceased.

While so, a notification dated 2.3.2013 was issued by the Corporate Office on provision of compassionate appointment to the dependents of the employees died in harness in APSRTC against the sanctioned vacancies under Bread Winner Scheme for providing compassionate appointment to the dependents of the employees died in harness. The petitioner submitted a representation to the respondent-Corporation to provide compassionate appointment in the post of Conductor, whereas, the mother of the deceased employee filed an application seeking

payment of additional monetary benefits. In view of the same, the respondent-Corporation directed the petitioner to obtain 'no objection certificate' from the mother of the deceased so as to consider the representation of the petitioner for compassionate appointment, vide order dated 28.5.2015. The present Writ Petition is filed assailing the said order dated 28.5.2015 directing the petitioner to obtain 'no objection certificate' from the mother of the deceased.

Obviously, the mother of the deceased is aged about 70 years. As per the Bread Winners Scheme introduced by the respondent-Corporation, wife and children are entitled for compassionate appointment but not mother of the deceased. Since the mother of the deceased is aged about 70 years, the question of providing any compassionate appointment to her does not arise. Therefore, the respondent-Corporation ought not to have directed the petitioner to obtain no objection certificate from the mother of the deceased. Since the mother of the deceased is not entitled for compassionate appointment she cannot claim additional monetary benefits.

In view of the above, this Writ Petition is disposed of directing the respondents to consider the case of the petitioner for compassionate appointment under 'Bread Winners Scheme' evolved by the respondent-Corporation, without insisting upon the petitioner to produce 'no objection certificate' from her mother in law, and pass orders within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

R. KANTHA RAO, J

Date: 07.09.2015
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