

**HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

HON'BLE SMT JUSTICE ANIS

WRIT APPEAL No.759 OF 2015

JUDGMENT: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This Writ Appeal is directed against the order passed in W.P.No.9261 of 2014. The writ petitioner is the appellant before us. He sought for appointment on compassionate grounds in the office of first respondent.

The case of the appellant/writ petitioner is that his father, while working as a Senior Lineman in the first respondent Society, died on 05.08.2010. Because of his premature death, the writ petitioner sought for appointment on compassionate grounds. That request has been considered by the first respondent, who by their order passed in September, 2013, rejected to provide employment in the Society at present on compassionate grounds. The reason assigned for rejecting the candidature of the writ petitioner was that the family of the deceased employee had been settled all the terminal benefits including family pension unlike many other employees who have been retired on superannuation basis and hence cannot be construed that the family of the deceased employee is reduced to absolute distressful condition for, the first respondent to utilize the scheme though by providing compassionate appointment.

On the last occasion, when we heard Sri A.Satya Prasad, learned senior counsel for the appellant, we suggested that the appellant shall bring out the details as to the financial benefits that have been settled upon the death of his father. Accordingly, W.A.M.P.No.2057 of 2015 has been filed seeking leave of the

Court to file the additional affidavit in the above Writ Appeal. In view of the formal nature of the said application, we granted the prayer and allowed the W.A.M.P. today.

In Paragraph 3 of the said affidavit, it is brought out that as on the date of death, the deceased has another 15 months service to go for his eventual retirement on superannuation basis. It is also brought out in Paragraph 4 that the Employees Provident Fund Organization has settled and paid a sum of Rs.7,93,872/- towards the contributory provident fund, a sum of Rs.90,000/- was also paid under the Group Security Life Insurance (GSLI), a sum of Rs.1,02,000/- was settled as gratuity and a further sum of Rs.4,25,084/- towards surrender leave standing at the credit of the employee, and thus, more than Rs.14 lakhs have been settled and paid on one count or the other to the dependants of the deceased employee. This apart, the Employees Provident Fund Organization has also settled a monthly pension of Rs.2,051/- to the mother of the appellant herein, the widow of the deceased employee. The appellant as well his sister were also settled monthly pension of Rs.513/- till such time they attain the age of 25 years and thus, we have considered that the family of the deceased employee is not in distressful condition for securing consideration of the case of the appellant for appointment on compassionate grounds.

The said scheme is introduced obviously to provide a succour to the family which has been reduced to distressful conditions upon the sudden demise of the breadwinner. In the instant case, the employee was almost towards the fag end of his service and met with an untimely death, that was only the distressful part in the instant case.

We, therefore, find no warrant to interfere with the order passed by the learned Single Judge and accordingly, we dismiss the Writ Appeal, but, however, no costs.

We are leaving open the question relating to maintainability of Writ Petition against a Rural Electricity Company.

Miscellaneous Petitions, if any, pending in the Writ Appeal, shall stand closed, consequently.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

Date: 18.08.2015
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