

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 4949 OF 2015

ORDER:

The petitioner herein sought for a writ of mandamus for declaring the action of the respondents, namely Visakhapatnam Steel Plant and its Executive Director and the Assistant General Manager (Personnel) in not providing appointment to him on compassionate grounds, pursuant to the death of his father, as unconstitutional.

The case and claim of the petitioner is that his father, who was employed as a Junior Technician in Visakhapatnam Steel Plant, met with an untimely death due to a motor accident on 27.07.2013 and in spite of his making a claim for appointment on compassionate grounds, the company has not considered his case so far and did not pass any orders. It is also claimed by the petitioner that his father was, in fact, sent on official duty for securing some information from another public sector undertaking, namely Bharat Heavy Plates and Vessels (BHPV), Visakhapatnam and *en route*, he died in a motor accident. Hence, the father of the petitioner shall be construed to have died while on duty.

Sri Ravinder Rao, learned Standing Counsel for Visakhapatnam Steel Plant has pointed out that the 1st respondent steel plant has put in place a scheme known as 'Employees Family Benefit Scheme', which is implemented some time from 1996 onwards. All employees, who have put in minimum of one year service to the steel plant, including non-executives, are covered for the family benefit provided for in the said scheme. As per para 5 of this scheme, on the separation of employee from the service of the company on account of death/permanent total disability/permanent medical unfitness, his nominee/the employee, as the case may be, on depositing with the company entire provident fund and gratuity amount, which is payable and due to the employee concerned, would be entitled to monthly payment equivalent to his basic + D.A. last drawn.

Such monthly payment shall commence from the month of deposit and shall continue till the normal date on which the employee concerned would have attained the age of superannuation, had the employee been in the service of the company. Further, if the provident fund and gratuity are deposited, within three months from the date of separation of the employee, the monthly benefit payment shall commence from the day following the date of death/permanent total disability/permanent medical unfitness of the employee. According to the learned Standing Counsel, this family benefit scheme implemented by the Corporation is one of the most ameliorating measures employed by the company. By not utilizing the amount of provident fund and gratuity receivable, the employee concerned or his family members will continue to get the benefit of payment of basic pay + D.A. last drawn treating as if the employee had continued in service of the company and this payment could last till the employee concerned would have attained the age of superannuation.

In the instant case, when the benefit of this scheme is brought to the notice of the mother of the petitioner, she availed the same and deposited with the company a sum of Rs.19 lacs. Upon such deposit being made, the company is now paying the mother of the petitioner the basic pay + D.A. last drawn by the father of the petitioner. Sri Ravinder Rao would submit that all other benefits contained in the scheme will continue to be made available to the family of the deceased employee by virtue of the faithful implementation of the scheme. In this view of the matter, the question of considering the case of the petitioner for compassionate appointment, perhaps, would not have arisen.

I therefore, do not find any justifiable reason to entertain this Writ Petition and accordingly, it is dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

02nd March 2015

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