

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.29511 of 2015

ORDER:

Heard Sri Mahadeva Kanthrigala, learned counsel appearing for the petitioners, learned Government Pleader for Endowments and Mrs. Sundari Pisupati, learned standing counsel for Respondents 2 to 4.

2. The father of the 1st petitioner late C.Raja Gopal, was appointed as Compositor Grade-II in the 2nd respondent Press and thereafter he was promoted as Compositor, Grade-I on 05.06.1979. Later on he was promoted as Superintendent. While he was working as Superintendent, due to ill-health, he died on 21.12.2014 in SVIMS Hospital, Tirupati. It is submitted by the 1st petitioner that his father died leaving behind him, his mother, who is the 2nd petitioner (wife of the deceased Raja Gopal) as his legal representatives. Petitioners 3 and 4 are said to be the grand parents of the 1st petitioner. Subsequent to the death of C. Raja Gopal, the 1st petitioner made representation dated 15.06.2015 to the respondents 2 to 4 seeking compassionate appointment. Later on he came to know that the 5th respondent herein, who is his married sister, made an application claiming monetary benefits and also compassionate appointment. On that ground, the 2nd respondent issued proceedings dated 29.08.2015 directing the 1st petitioner to submit a 'no objection certificate' from the 5th respondent for taking further action in respect of the compassionate appointment.

3. Learned counsel appearing for the petitioners, relying on G.O.Ms.No.350, General Administration (Ser.A) Department, dated 30.07.1999, argued that when there is only a married daughter to the deceased Government employee, without there being any older or younger brothers or sisters, spouse of the Government employee is not willing to avail the compassionate appointment, such married daughter may be considered for compassionate appointment, provided she is dependent on the deceased Government employee and subject to satisfying the

other conditions and instructions issued on the scheme from time to time.

4. On the other hand, learned standing counsel for respondents 2 to 4, brought to the notice of this court a Memo dated 14.11.2003 issued by the General Administration (Ser.A) Department, the Government of Andhra Pradesh, wherein it is clarified that the compassionate appointment to the dependents of the deceased Government employee shall be considered either to spouse, son or daughter. In case, if the wife of the deceased Government employee is not inclined to take appointment on compassionate grounds or not qualified for the appointment, the 'choice of selecting one of her dependent children' either son or daughter, shall vest with her (the wife of the deceased Government employee).

5. From the Memo dated 14.11.2003, it can be understood that for providing compassionate appointment, to the 1st petitioner, who is the son of the deceased, a no objection certificate from the 5th respondent, who is the married daughter of the deceased, is not necessary. If the 2nd petitioner, who is the wife of the deceased C. Raja Gopal, is not inclined to take compassionate appointment, the choice is left to her to select one of her dependent children for compassionate appointment.

6. Under these circumstances, respondents 2 to 4 are directed to obtain consent of the 2nd petitioner and pass appropriate orders on the representation dated 15.06.2015 submitted by the 1st petitioner seeking compassionate appointment, within a period of eight (8) weeks from the date of receipt of a copy of this order, subject to the 1st petitioner fulfilling the other conditions governing for compassionate appointment.

7. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 29.09.2015

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HON'BLE SRI JUSTICE R. KANTHA RAO

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