

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.39006 OF 2014**

DATED: 17.03.2015

Between:

Ramavath Jhansi Rani

... Petitioner

And

The High Court of Judicature at Hyderabad and others

... Respondents

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

**WRIT PETITION No.39006 of 2014**

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

This writ petition has been filed to impugn the order of the learned Principal District and Sessions Judge, Nalgonda, rejecting the application of the petitioner for compassionate appointment.

The factual aspect recorded in the impugned order is not disputed. Avoiding all the details in the record, the relevant fact in gist is as follows:

The petitioner is one of the daughters of a Court Employee in the District of Nalgonda. He died in harness in August 2013. Then, the petitioner herein, who is a married one, has made an application for compassionate appointment. It appears from the fact recorded that the deceased left behind wife, son and two daughters. The son of the deceased is also a Government employee and is living separately. The petitioner, though married, has been deserted by her husband, as such, she is the only person who can look after herself as well as the widow mother. She

is also having a baby to look after.

In the aforesaid factual scenario, one question arises whether compassionate appointment should be accorded by the respondents. We have seen the impugned order of the learned District Judge. We are of the view that he has taken correct decision. We are unable to accept the submission of the learned counsel for the petitioner that the petitioner is eligible as a member of the family to claim for compassionate appointment.

It is the settled position of law that compassionate appointment is a departure from the normal rule of employment and it should be in consonance with the scheme for such appointment. This rule makes a departure from the concept of equality also. The object of compassionate appointment is to save a family from financial crisis that has befallen because of sudden death of employee and has no alternative means except employment. The son of the deceased is employed. Therefore, he has to maintain his mother legally. The petitioner is a married one. So, it is her husband to maintain her and their child, if he does not do, she can enforce her right before Court of law. Under the circumstances, even the learned District Judge made an observation that there has been no material to show that she has taken any legal action for separation from her husband and on the contrary, the husband on the date of hearing accompanied her. Therefore, we think that the order impugned is justified.

We therefore dismiss the Writ Petition. No order as to costs.

Consequently, miscellaneous petitions, if any pending, shall stand dismissed.

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**K.J. SENGUPTA, CJ**

17<sup>th</sup> MARCH, 2015.

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**SANJAY KUMAR, J**

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