

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.31797 of 2015

ORDER:

Heard Sri M.V. Narasimham, learned counsel appearing for the petitioner and the learned Government Pleader for Housing Corporation.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the respondents in not considering the case of the petitioner for appointment to any suitable post on compassionate grounds, as illegal and arbitrary and consequently direct the respondents to appoint the petitioner in any suitable post forthwith as per G.O.Ms.No.1 dated 22.02.2008 and Memo No.A2/APSHCL/10524/2008 dated 02.12.2014 of 1st and 2nd respondents.

3. The petitioner's husband Yekkala Jayaramaiah, who was working as Deputy Executive Engineer (Housing) at Sri Kalahasti Sub-Division (Housing) of Chittoor District, died in harness due to heart attack on 09.12.2009, leaving behind him, the petitioner (wife), a daughter and a son, as his legal heirs. Subsequent to the demise of her husband, the petitioner submitted a representation dated 17.07.2010 to the Managing Director, A.P. State Housing Corporation, Hyderabad, making a request for compassionate appointment. The said representation is pending with the respondents. While so, the Government issued a Memo dated 02.12.2014, restoring the compassionate appointments scheme in APSHCL. As per the said Memo, the following persons are eligible for appointment on compassionate grounds in public sector undertakings:

“1. Any of the dependent family members of the deceased government employees (Spouse, son or daughter only) who die in harness, there being no other earned member in the family;

2. Thereby the dependent heir must be the sole bread winner for the family. The family must be entirely dependent on this member. The compassionate appointments are made only to mitigate the hardship caused by the sudden demise of the family member. Hence, this fact must be verified before eligibility is confirmed.”

In the Memo, the Project Directors (H) were requested to furnish the details of the employees expired while in service from 22.02.2008 to till date and proposals for compassionate appointments in the pro-forma enclosed by 10.12.2014 so as to take further action in the matter.

4. Learned counsel appearing for the petitioner submits that since the scheme of compassionate appointments is restored by the Government through Memo dated 02.12.2014, the petitioner is entitled for compassionate appointment.

5. Under these circumstances, the petitioner is directed to submit a fresh representation to the respondents seeking compassionate appointment and after making such representation by the petitioner, the respondents are directed to consider the case of the petitioner for compassionate appointment in terms of the Memo dated 02.12.2014 and pass appropriate orders thereon within a period of eight (8) weeks from the date of making representation by the petitioner.

6. 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: 06.10.2015

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HON'BLE SRI JUSTICE R. KANTHA RAO

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