

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.15957 of 2015

ORDER:

Heard Sri S.D.Gowd, learned counsel appearing for the petitioner and Sri A. Rama Rao, learned standing counsel for APSRTC.

2. The first petitioner is the wife and the 2nd petitioner is the son of one late H.Lakshmanna, who was working as driver in the 3rd respondent Depot (hereinafter referred to as the 'deceased employee'). After rendering services for a period of 20 years, he removed from service on 18.06.1996 on the allegation of misconduct. Aggrieved by the order of termination, the deceased employee raised industrial dispute in ID No.72 of 2005 before the Labour Court, Anantapur and the Labour Court vide Award dated 05.06.2009 directed the Corporation to reinstate the deceased employee as a driver afresh. According to the petitioners, pursuant to the said orders, the deceased was asked to report at Yemmiganur Depot on 06.10.2010. However, according to the petitioners, the deceased employee could not report for duty, as he was undergoing treatment for the disease of paralysis. While undergoing treatment, the deceased employee died on 23.06.2012. After the death of the deceased employee, the 1st petitioner made an application to the Corporation seeking compassionate appointment to the 2nd petitioner, who is the son of the deceased employee. The present writ petition is filed to issue necessary directions to the respondents to provide suitable employment to the 2nd petitioner on compassionate grounds.

3. Learned standing counsel appearing for the Corporation would submit that though the deceased employee was directed to report to duty at Yemmiganur Depot on 06.10.2010, he did not report for duty till his death and therefore, this is not a fit case to consider the 2nd petitioner for appointment on compassionate grounds. On the other hand, learned counsel appearing for the petitioners would submit that as the deceased employee was laid up with paralysis, he could not report to duty and

on that ground, the compassionate appointment cannot be denied.

4. Adverting to the submissions made on either side, the writ petition is disposed of directing the respondents to consider and dispose of the representation dated 18.09.2014 made by the 1st petitioner where under she sought appointment on compassionate grounds to the 2nd petitioner, in accordance with scheme, if any and Rules of the Corporation, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of at the stage of admission. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 09.06.2015

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