

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.39079 of 2014

BETWEEN

Pusunuti Sarojana.

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, General
Administration Department, Secretariat, Hyderabad and another.

...RESPONDENTS

Counsel for the Petitioner: MR. A. PRABHAKAR RAO

**Counsel for the Respondents: GP FOR GENERAL ADMN. (TG)
GP FOR REVENUE**

The Court made the following:

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ORDER:

Petitioner questions the impugned memo dated 22.11.2014 of the

second respondent wherein her application for compassionate appointment/financial assistance in lieu thereof for the civilians killed in extremist violence was not considered on the ground that the petitioner has not submitted the application within three months time as per the G.O.Ms.No.50 General Administration (SC.A) Department dated 21.02.2014.

2. Petitioner states in the affidavit that she is resident of Jangavanigudem village, H/o. Rampur, Kothaguda Mandal, Warangal District and her husband was killed by extremists on 01.03.1975 leaving behind three year old son and one year old daughter and the petitioner as widow. Petitioner states that the second respondent granted compensation of Rs.1500/- on 24.06.1975 to the family but on account of untimely death of her husband, petitioner and her children were put to severe hardship. Petitioner states that in terms of the aforesaid G.O., she has made an application for financial assistance but the said application is rejected under the impugned order on the ground that petitioner not applied within three months.

3. After hearing the learned counsel for the petitioner and the learned Government Pleader for General Administration, it is evident that the G.O.Ms.No.50 itself was issued on 21.02.2014, hence, petitioner's application dated 05.11.2014 ought to have been considered on its own merits, as the scheme under the aforesaid G.O. itself was not in force on the date on which the husband of the petitioner was killed by extremists. Moreover, the said G.O. is in continuation of G.O.Ms.No.469 dated 08.11.1996; G.O.Ms.No.76 dated 04.03.1998 and G.O.Ms.No.504 dated 11.08.2008. Apart from that, clause 8 of the G.O. merely states that District Collectors/Superintendents of Police shall take necessary action to see that these orders are communicated to the families of the civilians, who are killed in extremist violence and who have not been provided with employment and obtain applications within a period of three months. Thus, the time limit of three months is not prescription as to limitation and is only a direction given to the District Collectors/ Superintendents of Police to obtain necessary

applications from those who are in need of extension of the benefit of the scheme. It cannot, therefore, be said that the applicants must apply within three months if they are to avail the benefit of the said scheme. The interpretation placed by the second respondent on the said G.O. and issuance of rejection memo, which is impugned herein, are, therefore, clearly unsustainable. Hence, the impugned memo is set aside and the matter is remitted back to the second respondent for consideration of the application of the petitioner in terms of the scheme under the aforesaid G.O. and on merits of the case of the petitioner and appropriate decision shall be taken within a period of three (3) months from the date of receipt of a copy of this order.

The writ petition is allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 12, 2015
DSK