

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

Writ Petition No.8613 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The order, under challenge in this writ petition, was passed by the A.P. Administrative Tribunal in O.A.No.1938 of 2013 dated 16.10.2014 directing the petitioners herein to appoint the 3rd respondent to a suitable post, on compassionate grounds, within a period of eight weeks.

In the order under challenge in this writ petition, the Tribunal observed that the 3rd respondent had obtained a Bachelors Degree in Computer Science and Engineering from JNTU University, in First Class with Distinction; she was highly qualified; if she was appointed to a suitable post by the petitioners herein, she would be an asset to the institution; it was the policy of the State Government to provide compassionate appointment to one of the dependant members of the deceased employee; the petitioners had insisted on a no objection certificate from the other legal heirs; the 4th respondent, who is the married daughter of the deceased employee through his first wife, is the only legal heir other than the 3rd respondent; as she was already married, she is not entitled for compassionate appointment; and it is not open to the petitioners herein to insist on a no objection certificate from the 4th respondent or any other legal heir.

Sri A.K.Jayaprakash Rao, learned counsel for the petitioners, would fairly state that, in view of the earlier order of the Tribunal in O.A. No.5552 of 2013, the petitioners would not insist on the 3rd respondent obtaining a no objection certificate, either from the 4th respondent or any other legal heir, to consider her case for appointment on compassionate grounds; the Tribunal erred in directing the petitioners herein to appoint her on compassionate grounds; the only direction

that could have been issued was for the case of the 3rd respondent to be considered, for compassionate appointment, in terms of the scheme; the scheme enables appointment on compassionate grounds to be made to any category of posts equal to or lower than that of a Junior Assistant; and the observations made by the Tribunal could lead to a claim being made by the 3rd respondent for being appointed, on compassionate grounds, to a higher post.

On the other hand, Sri K.Ramalingeswara Rao, learned counsel for the 3rd respondent, would submit that, while the 3rd respondent is highly qualified, she did not make any claim for appointment contrary to the scheme; her claim, for being appointed on compassionate appointment, is strictly in accordance with the scheme for compassionate appointment; and, instead of keeping the writ petition pending on the file of this Court, it would suffice if the order of the Tribunal is modified and the petitioners herein are directed to consider the case of the 3rd respondent for compassionate appointment in accordance with the scheme in force.

In view of the submission made by Sri K.Ramalingeswara Rao, learned counsel for the 3rd respondent, the order of the Tribunal is modified. The petitioners herein shall consider the case of the 3rd respondent for appointment to any suitable post, strictly in accordance with the scheme for compassionate appointment, at the earliest and, in any event, not later than two (2) months from the date of receipt of a copy of this order.

The writ petition is disposed of, accordingly. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

30th April 2015.
JSU

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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Date: 30.04.2015

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