

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.37959 of 2015

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DATED : 23.11.2015

Between :

Penumathsa Hari Babu S/o.Late Gopala Krishna Raju,
Aged about 22 yrs, Denkada Village & Mandal,
Vizianagaram District, Andhra Pradesh.

.. Petitioner

and

The Depot Manager,
APSRTC, Vizianagaram Depot,
Vizianagaram District, Andhra Pradesh & 2 others.

.. Respondents

This court made the following :

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ORDER :

This writ petition is instituted alleging inaction of the respondents in not passing orders on the representation submitted by the petitioner on 30.03.2013.

2. The father of the petitioner while working in the respondent-Corporation,

died on 01.11.1996. Initially the mother of the petitioner sought for provision of compassionate appointment in lieu of death of her husband. Aggrieved by not providing such appointment, the mother of petitioner filed W.P.No.4427 of 1997. The said writ petition was disposed of directing the respondent-Corporation to consider the case of the petitioner therein, for appointment on compassionate ground to any suitable post and pass appropriate orders. In pursuant to the directions issued by this Court, orders are passed on 13.06.1997 rejecting the request of the petitioner therein, for grant of compassionate appointment by assigning due reasons. Aggrieved thereby the mother of the petitioner filed W.P.No.9941 of 1999. The said writ petition was disposed of by order dated 28.08.2001. The petitioner therein placed reliance on Circular No.PD-30/2000 dated 05.05.2000. This Court directed to consider the claim of the petitioner therein, in accordance with the said Circular. In consideration of the claim of the petitioner therein, the competent authority passed orders on 01.12.2001 rejecting the request of the petitioner therein on the ground that there was no sanctioned vacancy in the post of Shramik and that the petitioner therein be paid additional monetary benefits in lieu of employment. Aggrieved thereby, the mother of the petitioner filed W.P.No.13465 of 2002. The primary objection of the respondent-Corporation was that it was not possible to provide employment. Having noted that no illegality was pointed out to invalidate the rejection order, this Court declined the relief claimed by the mother of the petitioner for provision of compassionate appointment. However, since the respondent-Corporation undertook to pay the additional monetary benefits, direction was issued to pay the additional monetary benefits. Notwithstanding the rejection orders and affirming the same and disposal of the writ petition, the petitioner started making claim for compassionate appointment.

3. Heard learned counsel for the petitioner and learned Standing Counsel for the respondent-Corporation.

4. Learned counsel for the petitioner made extensive submissions on the claim of petitioner, for provision of compassionate appointment. He further submits that in accordance with the Circular dated 05.05.2000 petitioner is entitled for provision of compassionate appointment

5. Learned counsel for the petitioner expressed his inability to place copy of the Circular dated 05.05.200 before this Court as the same is not available, though, heavy reliance is placed on the said Circular, not only in the present writ petition but

also in W.P.No.9941 of 1999. However, as seen from the order impugned in W.P.No.13465 of 2002, the said Circular was considered, and the claim of the petitioner therein was rejected by assigning due reasons.

6. A reading of the prayer in the writ petition would show that the petitioner is seeking direction to consider his representation dated 30.03.2013, wherein he is asking for provision of compassionate appointment. Earlier mother of the petitioner was asking for provision of compassionate appointment, but this time it is the petitioner, as he has now attained the age of majority and acquired requisite qualifications.

7. Admittedly, the petitioner was minor at the time of demise of his father, may be about two or three years old. Ordinarily a minor child of the deceased employee can be provided compassionate appointment, if such child attains majority within a short time of death of father/mother. In the instant case, it appears the petitioner was aged about two or three years old when his father died. Furthermore, the claim made by the mother of the petitioner was considered on merits and rejected on more than one occasion. The order passed in consequent to the order of this Court in W.P.No.9941 of 1999 was upheld by this Court in W.P.No.13465 of 2002. No appeal is filed against the said decision of this Court. Thus, the issue of compassionate appointment has attained finality on account of the decision rendered by this Court in W.P.No.13465 of 2002. Thus, it is not open to the petitioner or his mother to once again seek the same relief which was not granted by this Court in the earlier writ petitions. Moreover the claim of compassionate appointment is made after 20 years of the death of the deceased employee. Thus, it is not a case where a further direction can be issued for consideration of the claim of the petitioner for provision of compassionate appointment and the writ petition deserves no consideration.

8. Having regard to the above, the Writ Petition is dismissed. However, the compensation which is required to be paid by the respondent-Corporation shall be paid as already agreed by the respondent-Corporation. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

23rd November, 2015

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