

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 16897 of 2014

Order:

The case of the petitioner is that his father, who was working as driver in APSRTC, Atmakur Depot, Kurnool District, expired on 03.12.1998 leaving behind his mother, two minor sisters and the petitioner. His mother made a representation on 29.01.1999 requesting the respondents to appoint him on compassionate grounds. The Depot Manager, Atmakur Depot replied vide his letter dated 24.04.2001 stating that in respect of employees who died between 30.08.1981 and 31.12.2000 the nominees or their dependents are directed to opt for additional monetary benefits in lieu of employment. The mother of the petitioner submitted another representation dated 27.06.2001 requesting the respondents to provide employment on compassionate grounds instead of paying the additional monetary benefits. Ultimately the case of the petitioner was rejected by proceedings dated 05.10.2002 on the ground that the petitioner was below 18 years of age reckoned from the date of death of his father. After completion of his B.Sc., degree another representation was submitted on 26.06.2010. Within two months thereafter his mother also expired. When no action was taken on the representations, the petitioner filed WP No.23127 of 2013 and the said writ petition was disposed of directing the respondents to consider the representation of the petitioner dated 24.06.2013 and pass appropriate orders. Though a notification was issued for appointment of Conductors Grade-II/Drivers Grade-II in Kurnool Region under Bread Winner Scheme, the case of the petitioner was not considered. The second respondent issued proceedings on 11.12.2013 rejecting his claim for employment under Bread Winner Scheme on the ground that he was a minor at the time of his father's death. Challenging the same, the present Writ Petition is filed.

2. A counter affidavit is filed stating that the father of the petitioner

expired while on duty on 03.12.1998 and, even after 5 years from the date of death, the petitioner was a minor. In those circumstances only the Depot Manager, Atmakur advised the mother of the petitioner to claim additional monetary benefits in lieu of employment. The proceedings dated 11.12.2013 were issued by the Regional Manager, Kurnool pursuant to the orders passed by this Court in WP No.23127 of 2013.

3. The facts in the instant case with regard to death of the father of the petitioner and the petitioner being a minor even after 5 years of the death are not disputed. The respondent-Corporation issued notification on 10.02.2015 framing Bread Winner Scheme and the petitioner does not come within the said scheme. In view of the same, the Writ Petition is liable to be rejected and the same is, accordingly, dismissed. There shall be no order as to costs.

4. At this stage, learned counsel for the petitioner submitted that the respondents have not paid the additional monetary benefits in lieu of employment as promised earlier. In view of dismissal of the present Writ Petition the respondents are directed to pay the additional monetary benefits in lieu of providing employment within a period of three (3) months from the date of receipt of a copy of this order.

5. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 16.06.2016
Nsr

RAMALINGESWARA RAO, J