

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA
RAO

-
WRIT PETITION No.28035 of 2013

ORDER:

The husband of petitioner, who was working as a Constable in the Border Security Force in 83 Battalion, Mawpet, East Khasi Hills District, Shillong-12, died on 29.07.2009 while on duty. He left behind himself the petitioner and two minor children apart from his old age parents. The petitioner studied Intermediate. She was sanctioned family pension vide Pension Payment Order dated 12.01.2010. She submitted an application for providing compassionate appointment to respondent No.5 on 16.05.2011 and respondent No.1 on 18.05.2011. Respondent No.3 addressed a letter to respondent No.5 on 10.06.2011 and 11.08.2011 recommending the case of petitioner for appointment. When the same was not considered, she filed the present writ petition.

A counter affidavit was filed on behalf of the respondents 1 to 3 admitting the death of the husband of petitioner on 29.07.2009 while on duty. It was stated that he shot himself by firing one round on his head. After his death, all financial benefits including family pension were paid to the petitioner. The application of petitioner dated 18.05.2011 was received on 26.05.2011. The Commandant vide his letter dated 10.06.2011 addressed the District Collector, Mahabubnagar to consider the case for appointment of the petitioner on compassionate

grounds. The Inspector General, Border Security Force, also addressed a letter on 11.08.2011 to the District Collector, Mahabubnagar for consideration of the case of petitioner. The Director General, Border Security Force, vide his letter dated 16.06.2013 informed the petitioner that the State Government of Andhra Pradesh intimated that the benefit of compassionate appointment to the dependants of defence personnel killed in action was cancelled vide G.O.Ms.No.582, Revenue (L.Ref) Department dated 07.05.2003 and hence, the request for employment in the State Government of Andhra Pradesh was not considered. It was also informed to the petitioner that there is a provision for compassionate appointment to a dependant family member and if she is willing to serve in B.S.F, she can apply for the post of A.S.I (Steno), Head Constable (Ministerial) or Constable/GD (Mahila).

In view of the above, the relief sought for by the petitioner cannot be granted, but leaving it open to the petitioner to apply as per the proceedings of Deputy Commandant dated 16.06.2011 addressed to the petitioner.

With the above observations, this Writ Petition is closed. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA

RAO, J
09.06.2016

MVA