

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 15321 OF 2016

Date: 28.04.2016

Between:

P. Manjunath,
Anantapur District.

..... Petitioner

And:

The Commissioner and Director of Municipal Administration,
Hyderabad, and others.

.....Respondents

Counsel for the Petitioner: Sri N. Aswartha Narayana

Counsel for Respondent Nos.3 to 5: G.P for Services (AP)

The Court made the following:

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ORDER *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Order dated 23.12.2015 in O.A.No.6510 of 2015 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') is questioned in this writ petition.

The brief facts leading to the filing of this writ petition are that the petitioner is the grandson of late Lakshamma, who died on 25.11.2010 while working as Public Health Worker in respondent No.6 – Municipality. The son of Lakshamma is the father of the petitioner. Initially, the mother of the petitioner made an application on 28.01.2011 to respondent No.6 for appointing her on compassionate grounds in the place of her mother-in-law. Later, the petitioner has made an application on 25.02.2011 to respondent No.6 for appointing him in the place of his grandmother. He has filed O.P.No.405 of 2011 in the Family Court-cum-Additional District Court, Ananthapur, and succeeded in receiving death benefits from respondent No.6 - Municipality. The petitioner has also filed O.A.No.3238 of 2013 for a direction to respondent No.6 to process his representation dated 25.02.2011 for his appointment on compassionate grounds. In compliance with the direction issued in the said O.A., respondent No.6 has passed order in Roc.No.192/2011-F1, dated 26.06.2013 rejecting the petitioner's claim for compassionate appointment on the ground that the petitioner did not satisfy the requirement of G.O.Ms.No.612, General Administration (Ser.A) Department, dated 30.10.1991. Feeling aggrieved by the said order, the petitioner filed O.A.No.6510 of 2015, which was dismissed by the Tribunal.

Learned counsel for the petitioner has not disputed that as per the procedure contemplated for appointment of family members of the deceased employees on compassionate grounds, a grand child is not eligible for such appointment. The petitioner has however relied upon an unregistered adoption deed dated 15.05.2000 allegedly executed by his father in favour of his grandmother in order to claim the status of the adopted son of the deceased employee. As rightly observed by

the Tribunal, neither the petitioner's mother in her application dated 28.01.2011 nor in the petitioner's own application dated 25.02.2011, the factum of the petitioner having been adopted by the deceased employee was mentioned. It is not the pleaded case of the petitioner that the purported adoption deed was a registered one, which has not seen the light of the day till the second application was made on 28.12.2012, beyond the period prescribed for making application for compassionate appointment and the Tribunal has rightly presumed that the said adoption deed was brought into existence to overcome the fact that the petitioner is not eligible to be considered for appointment under compassionate scheme as the grandson of the deceased employee. We have perused the affidavit dated 17.06.2011 of Smt. Ramakka, the mother of the petitioner, given to respondent No.6. Nowhere in the said affidavit she has referred to the fact that the petitioner was given in adoption to her mother-in-law.

In the light of the above facts, we cannot find fault with the order of the Tribunal dismissing the O.A filed by the petitioner. Hence, we find no reason to interfere with the said order.

The writ petition is accordingly dismissed.

As a sequel to the dismissal of the writ petition, W.P.M.P.No.18985 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 28.04.2016

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