

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 34118 of 2011

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not providing employment under the scheme of compassionate appointment in terms of G.O.Ms.No.148 Revenue (VA) Department, dated 13.02.2009, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

The averments in the affidavit filed in support of the writ petition would show that the father of the petitioner was appointed as Village Administrative Officer under Rule 3 of the Andhra Pradesh Village Administrative Officers Service Rules vide proceedings No.G/226/92, dated 31.01.1992. The father of the petitioner joined service on 04.02.1992 and was posted as V.A.O. of Lakkaram village with additional charge of some other villages. While things stood thus, the father of the petitioner, all of a sudden, died on 01.11.2003 while in service. The petitioner, who was a minor then, was brought up by his mother through her hard earned labour and under the guidance of his mother, the petitioner passed SSC in the year 1998. It is stated that at the time of death of father of the petitioner, the government paid ex-gratia of Rs.25,000/- with a promise to provide employment to one of the dependent of the deceased. Pursuant to repeated representations, the District Collector, Karimnagar (second

respondent) vide his proceedings No.A4/5622/2008, dated 14.09.2008 replied stating that the petitioner cannot be provided with compassionate appointment as his father was a Part-time Assistant at the time of his death. The second respondent relied upon a Government Memo No.37206/VA.1/2007, dated 06.12.2007 to show that only the dependants of full time government employees will be entitled to compassionate appointments. Challenging the same, the present writ petition came to be filed.

The respondents filed their counter disputing the averments made in the affidavit filed in support of the writ petition. It is their case that the father of the petitioner never worked as Village Revenue Officer; that the Part-time Assistants working in Village Revenue Office are honorary employees and they are not entitled to any benefit under the scheme. In view of the above, it is stated that there are no merits in the petition and the same is liable to be dismissed.

Learned counsel for the petitioner mainly relied upon G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 to show that even the dependents of Part-time Assistants are entitled for compassionate appointments. He mainly stressed on the amendments brought to the said G.O.

A perusal of G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 show that there is an amendment to the Andhra Pradesh Revenue Officers Service Rules (for short "the Rules"), wherein after Rule 13 the following has been included.

"14 (1). The spouse or dependent son/daughter of deceased Village Revenue Officer (till such time, the person holding the post of Village Revenue Officer will be in service upto the age of superannuation of 58

years) will be considered for compassionate appointment for the post of Village Revenue Officer provided they possess the qualification of 10th class pass. The age limits as stipulated in Rule 12 of the Andhra Pradesh State and Subordinate Service Rules, 1996 shall be followed for these appointments.

(2) The spouse or dependent son/daughter of deceased Part-time Assistants (till such time, the person holding the post of Part-time Assistant will be in service upto the age of superannuation of 62 years) will be considered for compassionate appointment for the post of Village Revenue Officer provided they possess the qualification of 10th class pass. The age limits as stipulated in Rule 12 of the Andhra Pradesh State and Subordinate Service Rules, 1996 shall be followed for these appointments.

Provided that the cases shall be considered only in matters of death while in service;

Provided further that no voluntary retirement cases shall be considered;

Provided also that insofar as the Part-time Assistants are concerned retirement on medical grounds shall not be considered.

In view of the said G.O. the orders issued in G.O.Ms.No.446, Revenue (VO) Department, dated 24.07.2002 are hereby rescinded and the cases which are disposed of under the said G.O. were directed not be re-opened.”

From a reading of the amendments made, it is clear that spouse or dependent son/daughter of deceased Part-time Assistant will have to be considered for compassionate appointment for the post of Village Revenue Officer, provided the candidate passed his X class (10th class). However, the age limit as stipulated in Rule 12 of the Andhra Pradesh State and Subordinate Service Rules, 1996 shall have to be followed for these appointments.

The material placed on record and the admissions made in the counter clearly disclose that the father of the petitioner was appointed as Part-time Assistant in the office of Village Revenue Officer. Further, the record also discloses that the father of the petitioner was transferred to Panchayat Raj Department and posted as Panchayat Assistant in G.P.Lakharam with effect from 01.01.2002 in terms of G.O.Ms.No.369, dated 12.12.2001. From the averments in the counter, it is clear that the services of the father of the petitioner were placed at the disposal of the Panchayat Raj Department upto 01.11.2003 and then lien on Revenue Department was dispensed. Hence, it is clear that though the father of the petitioner was appointed as Part-time Assistant, but at the time of his death he was working as Panchayat Assistant in Panchayat Raj Department. Therefore, the argument of the learned Government Pleader for Revenue that the petitioner is not entitled for any relief cannot be accepted.

Even otherwise, the amendment to the Rules pursuant to G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 clearly state that the spouse or dependent son/daughter of Part-time Assistant will be considered for compassionate appointment for the post of Village Revenue Officer provided they satisfy other requirements.

Having regard to the circumstances stated above, the respondents are directed to consider the representation of the petitioner seeking compassionate appointment, provided he satisfies all other requirements as contemplated under law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently,

miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

04.02.2016

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