

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.18796 OF 2014

ORDER:

This writ petition is filed by the wife and daughter of one M.S.Babu, conductor, who died in harness on 31-01-2007.

2. It is the case of the petitioners that M.S.Babu died leaving behind him four children without there being any earning member in the family. The 1st petitioner submitted a representation on 03-04-2007 for consideration of her case for appointment to any suitable post. It was informed to the 1st petitioner that she was not possessing any qualification and therefore, she was not eligible for any post. She submitted a representation to provide employment to her second daughter. As there was a ban for appointment on compassionate ground, the applications were kept pending since 03-04-2007. When she made another representation in the month of April, 2011 to pay additional monetary benefit in order to perform the marriage of her daughter, there was no response. However, she got married her daughter and she is residing in her in-laws place. As the petitioners came to know that the cases are being considered on compassionate ground as per G.O.Ms.No.2, dated 05-01-2013, the 3rd daughter (2nd petitioner herein) submitted a representation on 06-02-2013 for providing appointment as conductor, but the 2nd respondent issued order, dated 09-04-2014 returning the application with an advice to avail additional monetary benefit. Challenging the order, dated 09-04-2014, the present writ petition is filed.

3. A counter-affidavit is filed stating that the applications were accepted up to 30-01-2012 and the age of the 2nd petitioner was only 17 years, 7 months and 15 days. In order to provide employment to a person as conductor, the candidate must have completed 21 years of age as on 01-07-2013. It was further stated that the application was filed beyond the stipulated period of five years from the date of death of the husband of the 1st petitioner and on verification, it is noticed that the 2nd petitioner is aged 17 years, 7 months and 15 days as on 30-01-2013 and as on 01-07-2014, she would be only 20 years 16 days only. Therefore, the order of rejection was passed as the minimum age for recruitment to the post of conductor is 21 years.

4. Learned counsel appearing for the petitioners as well as the respondents relied on a notification, dated 10-02-2015, whereunder Bread Winner Scheme was formulated in order to consider the case for appointment

on compassionate ground in 1120 vacancies in Driver Grade II and Conductor Grade II and Shramiks. As per the said notification, it was decided to invite applications from the dependents of the deceased afresh who died while in service during the ban period i.e., from 01-01-1998 to 04-01-2013, as a one time measure. Certain guidelines were framed for different posts. The petitioner did not fulfil the guidelines contained in the said notification.

5. However, learned counsel for the petitioners submits that the Managing Director has discretion to relax the age limit in appropriate cases and the petitioners would submit a representation for consideration of their case by relaxing the age limit.

6. In view of the same, without expressing any opinion on the merits of the case, the Writ Petition is disposed of giving liberty to the petitioners to submit a representation to the Managing Director within a period of four weeks from the date of receipt of a copy of this order and the Managing Director of the respondents corporation shall consider the same and pass appropriate orders in accordance with law within a period of three months from the date of representation. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 20-07-2016

Hsd