

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.25711 of 2016

Order:

The petitioner's father who worked as driver in the respondent-Corporation died on 08.04.2006 while in service leaving behind him the petitioner and his brother. The petitioner's mother already expired on 18.03.2006. When the elder brother of the petitioner made a request for appointment on compassionate grounds, the request was turned down on the ground that there was a ban on recruitment. When the death benefits of the father of the petitioner were not paid on the ground of dispute as to who was the legal heir, the petitioner and his brother filed ISOP No.18 of 2015 before the learned Senior Civil Judge, Nagarkurnool and a succession certificate was granted on 27.04.2015. Thereafter, the death benefits were released to them in the month of October 2015 and November 2015. The petitioner applied for appointment on compassionate grounds along with no objection from his elder brother on 21.12.2015. When there was no response, the present Writ Petition is filed.

2. A counter affidavit is filed admitting the expiry of the father of the petitioner in the year 2006 while in service. But, it is stated that no one submitted application for providing employment on compassionate grounds and no one contacted for settlement of death benefits till 25.05.2015. Since there was no nomination submitted by the deceased employee, after receipt of application from the petitioner and his brother the death benefits were settled. As per the circulars, the application for appointment on compassionate grounds has to be filed within three years from the date of death of the employee which is extended to five years,

however the application was filed only on 21.12.2015, beyond the period of five years after the death of the petitioner's father. Since the application was submitted after 9 years and 6 months, the application was not considered.

3. At the time of death of the father of the petitioner there was a ban on recruitment on compassionate grounds. The Government issued G.O.Ms.No.2, dated 05.01.2013, relaxing the ban and directing the Corporation to fill up 1120 vacancies by the dependents of the deceased employees who died while in service during the ban period from 01.01.1998 to 04.01.2013 as one time measure. Then, Bread Winner Scheme was prepared by the Corporation and a notification was issued on 10.02.2015 inviting applications from the dependents of the deceased employees who died while in service during the ban period from 01.01.1998 to 04.01.2013. However, it was made clear that the notification was applicable to only those families of the deceased employees who have failed to register applications for compassionate appointment of one of the eligible family members during the above ban period without reference to the stipulated time of registration of three years from the date of death of the employee which was enhanced to five years. Two conditions were imposed and they are; (i) the family should not have availed AMB and (ii) the family should not have obtained compassionate appointment to any one of the family members.

4. In view of the stipulation mentioned in para 1 of the Circular, the petitioner is eligible for consideration of his case and, accordingly, the Writ Petition is allowed directing the respondents to consider the case of the petitioner for appointment on compassionate grounds in a suitable

vacancy, if the petitioner fulfils the qualifications. There shall be no order as to costs.

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

A. RAMALINGESWARA RAO, J

Date: 02.09.2016
Nsr

