

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1284 of 2016

JUDGMENT: (*Per VRS,J*)

Aggrieved by an order of the learned Judge, directing the grant of compassionate appointment to the wife of the deceased servant of Telangana State Road Transport Corporation, the Corporation has come up with the above writ appeal.

2. Heard Mr. N. Vasudeva Reddy, learned counsel for the appellants. Mr. V. Narasimha Goud, learned counsel, takes notice for the respondent.

3. Admittedly, the respondent's husband worked as a Driver in the appellant Corporation from 1986 and he died in harness on 12.08.2011. She sought appointment on compassionate grounds, but she was found to be of the height of 144 centimeters. As per the scheme of compassionate appointment available under Circular No.PD-30/2000, dated 05.05.2000, compassionate appointments are made only to three categories of posts, namely, Driver Grade-II, Conductor Grade-II and Shramik. Under the said scheme, lady dependents are considered only for appointment to the post of

Conductor and not for the post of Shramik, in view of the nature of work involved in the said post.

4. Since the normal height prescribed for Conductor Grade-II is 153 centimeters, several lady dependents could not get appointment on compassionate grounds, forcing the Corporation to grant a relaxation up to 7 centimeters. In other words, lady dependents of employees, who died in harness, were considered eligible, if they were of a height of 146 centimeters, provided the death had occurred on or before 04.11.2000. In this case, the death occurred on 12.08.2011, in addition to which, the respondent did not even have 146 centimeters of height. Though the Departmental Committee recommended further relaxation, the competent Authority rejected the same, forcing the respondent to move a writ petition.

5. As rightly contended by the learned counsel for the appellants, even if the cut off date, namely, 04.11.2000, is rejected, the relaxation that could be given to a lady dependent so as to become a Conductor Grade-II, could only be 7 centimeters. There cannot be a further relaxation up to 2 centimeters. Therefore, the claim of the respondent, accepted by the learned Judge, for appointment to the post of Conductor Grade-II, cannot be sustained.

6. However, the stand taken by the appellant Corporation that such women employees cannot be considered for any other post including the post of Shramik, does not appear to be in consonance with the constitutional goal. India is a party to the Convention for Elimination of Discrimination against Women. It was only in pursuance of the said Convention that the Protection of Women from Domestic Violence Act, 2005 was enacted by the Parliament. There cannot be any discrimination at work places on the basis of gender. To confine the benefits of a scheme for compassionate appointment to three categories of posts, may be perfectly legal. But, to confine the benefits of such a scheme to women employees, only to one category of those three categories of posts, will be gender biased. Therefore, the appellant Corporation, being a Public Sector Undertaking, cannot afford to be gender biased. Hence, the appellants are obliged to consider the case of the respondent to any post to which she is qualified.

7. In view of the above, the Writ Petition is partly allowed, modifying the order of the learned Judge and directing the appellants to consider the case of the respondent to any post to which she is qualified and pass appropriate orders within a period of four (4) weeks.

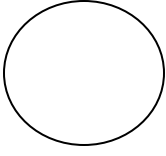
Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

29th November, 2016
cbs





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