

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 20200 of 2000

ORDER:

The petitioner filed this writ petition, under Article 226 of the Constitution of India, seeking a Writ of Mandamus declaring the action of the 2nd respondent in rejecting her case for appointment as Conductor on the ground that she is under-height by issuing proceeding No.L2/876(37)/2000-RM/VJA, dated 06.09.2000, as illegal and arbitrary, and consequently, direct the respondents to consider her case for the post of Shramik/Cleaner or for any suitable post.

2. The petitioner was the wife of one M.H.P. Rao, employee No.360846, who, while working as Driver in Ibrahimpatnam Depot, died on 10.12.1998 leaving the petitioner to succeed his estate. Due to sudden demise of said M.H.P. Rao, the petitioner is facing troubles to eke out her livelihood and to provide the necessities to her daughters aged about 5 and 3 years.

3. The petitioner did not possess any property either movable or immovable and that her family was depending upon the income of her husband and on account of sudden demise of her husband, they are driven to distressed condition. In those circumstances, she made an application to the respondents for appointment as Conductor on compassionate grounds. But, her application was rejected, as she was under-height and not eligible for appointment as Conductor. The said order was challenged in writ petition No.15291 of 2000 and the same was disposed of, by an order dated 18.08.2000 directing that ***“the respondents shall declare the result of the interview held on 02.08.2000 and communicate their decision to the petitioner and, hopefully, the respondents shall consider the case of the petitioner in accordance with the regulations and the circulars regulating the appointment on compassionate grounds”.***

4. The petitioner also submitted a representation to the respondents duly enclosing a copy of the order passed in the abovementioned writ petition expressing her readiness to work as Cleaner/Shramik as per Circular No.PD100/1999 dated 10.11.1999. However, her request was rejected by proceeding dated 06.09.2000 on the ground that she is not eligible to work as Shramik/Cleaner, while advising her to claim for additional monetary benefit in lieu of employment.

5. The case of the petitioner was not considered and she was discriminated, since the cases of other widows of employees were considered, who sought appointment on compassionate grounds. One Smt. V.Gurramma @ L.Lakshmi Devi, wife of a deceased employee, was appointed as Khalasi by proceeding No.P2/785/(3)/97-EWS-CDP, dated 05.07.1997. Similarly, Smt. A. Ramadevi, Smt. Ch.Emeliyamma, Sri Naga Maheswara and 16 persons were appointed on different dates on compassionate grounds. Appointing Smt. V. Gurramma and others as Khalasis, while rejecting the petitioner's request, amounts to discrimination and, therefore, the present writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents as illegal and arbitrary.

6. During the course of hearing, Sri S. M. Subhan, counsel for the petitioner, requested this Court to pass appropriate orders, if any order is passed by the respondents about the disqualification of the petitioner for being appointed for the post of Conductor or Shramik/Cleaner on compassionate grounds.

7. The Standing Counsel for APSRTC appearing for the respondents did not deny the appointment of Smt. V. Gurramma @ L.Lakshmi Devi, by filing a counter. However, requested to pass appropriate orders.

8. During hearing, the Standing Counsel for the respondents

produced a copy of proceeding No.L2/876(37)/2000-RM/VJA, dated 06.09.2000, issued by the Regional Manager, Vijayawada, who is the 2nd respondent herein, wherein the petitioner's case was not considered for being appointed as Conductor, as she was under-height and that she is not eligible for the post of Shramik i.e., Cleaner as per circular instructions in force vide Circular No.PD-30/2000, dated 05.05.2000.

9. Earlier, the petitioner filed W.P.No.15291 of 2000 seeking a direction against the respondents herein against the rejection of her claim for compassionate appointment. But this Court directed the respondents to consider the case of the petitioner in accordance with the regulations and circulars regulating the appointment on compassionate grounds. Therefore, the respondents are bound to adhere to the direction issued by this Court within the parameters laid in the circulars and regulations issued by the Department for appointment on compassionate grounds. But here, the petitioner claimed appointment for the post of Shramik/Cleaner, as she was discriminated on the ground that she is not eligible for appointment being a lady, but pointed out that one Smt. V. Gurramma @ L. Lakshmi Devi was already appointed as Khalasi by proceeding No.P2/785(3)/97-EWS-CDP, dated 05.07.1997. In any view of the matter, if Circular No.PD-30/2000, dated 05.05.2000, does not permit the respondents to appoint a lady as Shramik/Cleaner, the petitioner cannot claim appointment as Shramik/Cleaner on compassionate grounds only on the ground that said V.Gurramma @ L. Lakshmi Devi was appointed as Khalasi by the 2nd respondent. However, it is for the respondents to consider the case of the petitioner for being appointed as Khalasi and appoint her to any suitable post on compassionate grounds, in case said V.Gurramma @ L. Lakshmi Devi was appointed as Khalasi by proceeding No.P2/785/(3)/97-EWS-CDP, dated 05.07.1997, since the petitioner made a request to appoint her to any

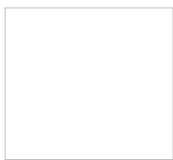
suitable post.

10. 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 the writ petition shall stand dismissed.

M.SATYANARAYANA MURTHY, J

18th January, 2016
cbs



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