

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.36804 of 2013

Between:

1. The Government of Andhra Pradesh, rep. by its Principal Secretary to School Education Department, Secretariat, Hyderabad, and others.

PETITIONERS

And

1. Smt. P. Nagaraja Kumar, W/o. Late Pathipati Muthaiah, R/o. Pullaiah Banjara Road, Kalluru, Khammam District, and another.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The Government has come up with the above writ petition challenging the order of the A.P. Administrative Tribunal allowing the application of the 1st respondent for appointment on compassionate grounds.

2. Heard the learned Government Pleader for services (Telangana) and Kowturu Pavan Kumar, learned counsel appearing for the 1st respondent.

3. There is no dispute about the fact that the deceased government servant married the 1st respondent even when his marriage with another lady was subsisting. The deceased government servant's wife was a teacher working in a Government school. Therefore, obviously the 1st respondent was not entitled to appoint on compassionate grounds.

4. Though the Tribunal allowed the O.A only on the ground that the application for compassionate appointment is filed within the time, the question of filing any application by the 1st respondent does not arise at all when she was not even eligible to make an application. When the very eligibility of the 1st respondent to seek appointment on compassionate grounds, is not born out, the request cannot be considered. Therefore, the writ petition is allowed and the order of the Tribunal is set aside.

5. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

17th November, 2016
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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Date: 17-11-2016

Js.