

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.12808 of 2016

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Date: 21.04.2016

Between:

Sri N.Vykunta Rao

.. Petitioner

and

The High Court of Judicature at Hyderabad
for the State of Telangana and the State of Andhra Pradesh
rep. by its Registrar (Administration)
Hyderabad and another.

.. Respondents

Counsel for the petitioner :

Mr.N.Gangadhar

—
Counsel for the respondents: **Mr.Abhinand Kumar**
Shavili,

SC for TAPHC

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The Court made the following:

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Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner's father, who was an employee of the Judicial Ministerial Service working in the unit of respondent No.2, died in harness. The petitioner, who is one of his sons, has applied for compassionate appointment. His application was rejected by respondent No.2 *vide* order in P.R.No.15, dated 06-05-2012, on the ground that admittedly, his younger brother was employed in CISF and undergoing training at Bhilai. Feeling aggrieved by the said rejection order, the petitioner filed WP.18802 of 2013. A Division Bench of this Court, while rendering a finding that the petitioner's younger brother was employed in CISF, however, set aside the impugned order on the ground that respondent No.2 has not considered the plea of the petitioner that his younger brother wants to study further and therefore, his case needs to be considered for employment. The Division Bench has, accordingly, directed respondent No.2 to reconsider the petitioner's request for compassionate appointment. Purporting to comply with the said direction, respondent No.2 has issued the impugned proceeding once again rejecting the petitioner's case for compassionate appointment.

Feeling aggrieved thereby, the petitioner filed this Writ Petition.

The claim for compassionate appointment is governed by G.O.Ms.No.687 General Administration (Service-A) Department, dated 03-07-1977, as clarified in Circular Memo No.6068/Ser/A/2003-1, dated 12-08-2003. Clause II (a) (b) (i) of the Circular Memo reads as under:

“In the family of the deceased government employee if the son who is employed is separated from the family and if the family is without an earning member the spouse/son/daughter out of the remaining family may be considered for compassionate appointment.”

In the instant case, it is an admitted fact that the younger brother of the petitioner is employed in CISF and he has not separated from the family. As per the above reproduced clause in the Circular Memo, only in a case where the employed member of the family is separated, leaving the remainder of the family without an earning member, one of the members of such remainder of the family is entitled to be appointed under the compassionate appointment scheme. The ground put forth by the petitioner viz., that though his brother, who is not

separated from the family, is employed, since his earnings are required to meet his further educational needs, he is entitled to be considered for compassionate appointment, is not comprehended by the above mentioned Circular. In this view of the matter, we are of the opinion that the petitioner is not entitled to compassionate appointment.

Therefore, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.16044 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Dt: 21st April, 2016
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