

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 1199 of 2012

Date : 28.1.2015

Between :

Shaik Akhila Begum W/o late Sri Khaleel
R/o Chinthareddypalem, Nellore Rural
Nellore district

Petitioner

And

APSRTC rep by its Managing Director,
Musheerabad, Hyderabad & others

Respondents

The Court made the following:

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ORAL ORDER:

Husband of the petitioner, died while in service on 22.1.2010 and on

20.5.2010, petitioner submitted representation to provide employment to her second son. The said application was not acted upon. Aggrieved by the inaction in providing compassionate appointment, this writ petition is filed. Petitioner sought further direction to appoint her second son in any suitable post on compassionate grounds. Earlier due to ban on compassionate appointments, no claim for compassionate appointment was considered. During the pendency of the writ petition, Government issued orders in G O Ms No. 2 dated 5.1.2013 introducing scheme of compassionate appointments and covering the scheme with effect from 1.1.1998. As a consequence of the said orders, the respondent corporation issued notification No. PD-04/13 dated 2.3.2013 directing the Regional Managers to commence recruitment process for the post of drivers, conductor and shramiks. As per the earlier orders already issued, the respondent corporation identified 1120 persons as on 31.12.2010 eligible for provision of such appointment. Name of the petitioner is included therein at serial no.66.

2. Learned counsel for petitioner submits that even though the scheme of compassionate appointment is introduced and even though the claim of the petitioner was made as early as on 20.5.2010, so far appointment is not provided, causing lot of hardship and suffering. Learned counsel further contends that though application was made on 20.5.2010 and same was acknowledged by the Depot Manager, Udayagiri Depot, in the list of applications pending consideration for compassionate appointment, name of the petitioner is shown against serial no.66 by treating the date of application as 14.7.2011.

On account of such illegal action, name of the petitioner is pushed down and though persons who submitted applications after date of submission of application by petitioner, were provided employment but case of petitioner was not considered.

3. Learned standing counsel for respondent corporation fairly submits that scheme of compassionate appointment is now available and respondent corporation is taking steps to provide compassionate appointment to all eligible persons. He submits that the Depot Manager has forwarded the application of petitioner on 14.7.2011, therefore the said date was counted while fixing seniority position. He further submits that revised notification was issued on 10.2.2015 and in terms thereof claim of the petitioner would be considered.

4. Having regard to the above submissions, though claim of the petitioner for provision of compassionate appointment is accepted, only area of dispute is that in the list of eligible persons for provision of compassionate appointment, name of the petitioner is shown against serial no.66, treating the date of submission of his application as 14.7.2011, whereas petitioner claims to have submitted such application on 25.4.2010. The photo copy of application submitted in Telugu is filed along with WPMP 376 of 2014 and there is an endorsement of Depot Manager, Udayagiri depot acknowledging receipt of such application. This shows that petitioner has submitted his application for compassionate appointment on 25.4.2010. If there was any delay in forwarding the same by the Depot Manager, petitioner cannot be made responsible and his seniority position ought not to have been wrongly reflected for no fault on his part. Thus, while considering the claim for provision of compassionate appointment, the date of submission of application by the petitioner for compassionate appointment should be treated as 25.4.2010.

Accordingly the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:28.1.2016
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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