

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

Writ Petition No.19722 of 2016

—
Date: 23.06.2016

Between:

K.Veerendra

..Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Irrigation Department,
Hyderabad and 3 others

..Respondents

Counsel for the petitioner: Mrs.S.Nanda

**Counsel for respondent Nos.1 & 3: GP for
Services (AP)**

The Court made the following:

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

The petitioner and respondent No.4 are
grappling with each other for employment in place
of their father, who died in harness.

The facts of the case reveal that both the petitioner as well as respondent No.4 have applied for appointment in place of their father. Unable to decide as to who among them should be appointed, respondent No.3 has addressed Lr.No.SE/IC/KNL/AB/EC.2/E.6/No.65EE, dated 02.02.2015 to respondent No.2- The Engineer-in-Chief wherein, while quoting the rule position, the said respondent has sought clarificatory order whether the appointment may be provided to the petitioner, who is unemployed, or to respondent No.4, who is shown to be divorcee daughter and dependent on the family of the deceased employee. As no decision was taken thereafter, respondent No.4 approached Respondent No.2-Tribunal by way of OA.No.970 of 2016. However, respondent No.4 has not impleaded the petitioner as a respondent in the said OA and the Tribunal has also not directed her to do so. Instead, the Tribunal has disposed of the said OA at the admission stage by directing respondent No.3 to consider and dispose of the representation/application submitted by the mother of respondent No.4 on 22-02-2014, after taking into consideration the purported No

Objection Certificates, Family Member Certificates and Financial Status Certificates in accordance with the Rules and Law governing the subject pertaining to the claim of compassionate appointment. Feeling aggrieved by this order and apprehending that respondent No.3 may provide employment to respondent No.4, the petitioner filed this Writ Petition with the leave of this Court.

In the manner we are proposing to dispose of the Writ Petition, it is not necessary to put respondent No.4 on notice.

The petitioner pleaded that he has never given No Objection affidavit as pleaded by respondent No.4; that the latter has created such an affidavit in his name; and that she has also suppressed the fact that after obtaining divorce, she has remarried. The petitioner has blamed respondent No.4 for fabricating his purported No Objection affidavit and also for allegedly suppressing the fact that she has remarried after divorce. The petitioner also claimed that he has submitted a representation on 05-04-2016 to respondent No.3 bringing to his notice the fact that

respondent No.4 has remarried after divorce and requesting that his application may be sympathetically considered for compassionate appointment. Inasmuch as the Tribunal has directed respondent No.3 to consider the representation/application of the mother of respondent No.4 for providing compassionate appointment to the latter, interests of justice would be met if respondent No.3 considers the petitioner's representation also along with the said application/representation, hold an enquiry after issuing notice to both parties and decide whether the affidavit of No Objection submitted by the petitioner was genuine and whether respondent No.4 has remarried after divorce. Depending upon the conclusions he draws after such enquiry, he shall take a decision as to who between the petitioner and respondent No.4 are entitled for compassionate appointment in accordance with the rules/guidelines governing such appointment.

Subject to the above directions, the Writ Petition is disposed of.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 23rd June, 2016
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