

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4646 OF 2009

O R D E R:

This Writ Petition is filed questioning the inaction of the respondents in providing job on compassionate grounds to anyone of the petitioners by the Andhra Pradesh State Road Transport Corporation (in short “the Corporation”).

The grievance of the petitioners is that one Namburi Ramanjaneyulu, who was the husband of the 1st petitioner and father of the 2nd and 3rd petitioners, while working as a Driver in the Corporation was died on 28.11.2004. Therefore, they made representations dated 10.02.2005 and 06.02.2009 to the authorities of the Corporation for providing suitable job to anyone of their family members under Bread Winners Scheme. On that the 2nd respondent addressed a letter dated 16.02.2005 informing that they were not qualified for providing job, as such asked them to collect Rs.1,00,000/- payable towards Additional Monetary Benefit. Again on 21.07.2005 a letter was addressed by the 2nd respondent fixing a deadline as 28.07.2006 to appear in the office of the 2nd respondent and submit an application for collection of Additional Monetary Benefit of Rs.1,00,000/- in lieu of job, accordingly the petitioners appeared before the 2nd respondent and requested to provide job to anybody among their family members, on that the 2nd respondent reported that the issue would be considered after the petitioners 2 and 3 become eligible and paid an amount of Rs.1,00,000/- towards post death benefits of the deceased Ramanjaneyulu. It is further submitted that on attaining the qualifying age and academic qualifications the 2nd and 3rd petitioners submitted a representation dated 06.2.2009 to provide a suitable job on compassionate

grounds, but the same was refused without assigning any reasons. Hence, the present writ petition.

On the other hand respondents filed a counter affidavit specifically contending that the 1st petitioner submitted an application dated 29.10.2007 to the 2nd respondent requesting for sanction of Additional Monetary Benefit amount of Rs.1,00,000/- in lieu of employment and in the said application 1st petitioner has given an undertaking to no employment is required to her children in APSRTC and that neither she nor her children approach the court seeking employment under compassionate grounds, therefore, the same was processed to the Regional Manager, Ongole for sanction of Additional Monetary Benefit and after obtaining permission payment was made to the 1st petitioner on 08.01.2008 through Cheque No.197713, dated 31.12.2007. Since the petitioners availed the Additional Monetary Benefit in lieu of employment there is no provision to provide employment under compassionate grounds as per the guidelines issued from time to time. It is further submitted that the Bread Winner Scheme introduced by the Corporation was dispensed in view of the directions given by the Government of Andhra Pradesh and that the Corporation is bound to obey the directions of the Government by virtue of Section 34 of the Road Transport Corporation Act. Government also issued G.O.Ms.No.36 direction all the state level public enterprises not to take up appointments on compassionate grounds and in lieu of appointment to pay additional monetary benefit to the dependents of the deceased employee. It is further submitted that as per the Division Bench judgment of this court in **The Andhra Pradesh State Road Corporation, Hyderabad and 2 others Vs. Valluru Venkata**

Narayana and another¹, wherein it was held that the Corporation should not be directed to make appointments on compassionate grounds when such a scheme is not there and that Court cannot issue such a direction when that scheme is dispensed with at the time when the direction was issued by the court. Hence, it is prayed for dismissal of the Writ Petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Corporation.

Having considered the respective submissions, this Court carefully perused the entire record. Learned standing counsel for the Corporation vehemently submits that the petitioners had availed the Additional Monetary Benefit of Rs.1,00,000/- on 08.01.2008 through a Cheque No. 197713, dated 31.12.2007, the petitioners are not entitled to provide any employment under compassionate grounds. The petitioners also not challenged the said aspect. In those circumstances, inasmuch as, the petitioners had availed the Additional Monetary Benefit in lieu of compassionate appointment to anyone of the petitioners' family members, the relief claimed in the Writ Petition cannot require any consideration. Accordingly, the same is liable to be dismissed.

In the result, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the miscellaneous petitions, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

Dated:07.09.2016
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¹ 2008(3) ALD 511