

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.10967 of 2016

Date:07.4.2016

Between:

C.Hari Ram Prasad,
S/o Sumithra Bai

....Petitioner

And:

The State of Telangana, repled by its
Principal Secretary, Municipal Administration
and Urban Development Department,
Hyderabad and two others.

.....Respondents

Counsel for the petitioner: Mr. K.Rama Subba Rao

Counsel Respondent Nos.1 & 2: GP for Services (TS)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The petitioner's mother was an employee of respondent No.2-Corporation. While working as Kamaton, she went missing from 31.8.1996. A case was registered as Crime No.253 of 1996 by Sultan Bazaar Police Station, Hyderabad in that regard. The Police have submitted a final report on 26.4.1997 to the effect that the woman was 'untraced'.

As per G.O.Ms.No.378, General Administration (Ser.A) Department, dated 24.8.1999, request for compassionate appointment can be considered only after seven years from the date from which the Government

servant is found missing. Having waited for seven years, the petitioner's brother submitted an application on 13.8.2004. As no decision was taken thereon for a long time, the petitioner himself has made a representation on 06.7.2009, wherein it was stated that his brother was not interested in claiming appointment and that, in his place, the petitioner's request may be considered. By order, dated 28.02.2012, respondent No.2 has rejected the petitioner's application as barred by limitation. Assailing the same, the petitioner filed Original Application No.2166 of 2012, which was dismissed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') under the impugned order.

The petitioner pleaded that after dismissal of the said O.A., he has realized that on the same day, on which his brother has made an application, he has also made an application for compassionate appointment and that, as the said O.A. was filed on a wrong premise that he has not made an application and that, therefore, his case may be considered in place of his brother, he has filed a Review Petition before the Tribunal, which was returned on office objection to the effect that the Review Petition was not filed within the period of limitation and that, the Tribunal has no power to condone the delay.

At the hearing, Mr. K.Rama Subba Rao, learned counsel for the petitioner, has invited this Court's attention to letter, dated 13.8.2004, of the petitioner, which reads as under:

"I submit to state that I am the son of Smt Sumitra Bai, W/o Late Eraiah who was working as Kamaton in Ward 4/A, Circle No.6, MCH on 31.8.1986 she had gone to attend her duty at Ward Office at 5 am and did not return to the house. Missing reported to the Police at Sultan Bazar Police Station. There has been no trace of my mother though police has made great efforts. Finally, police

finalized the report with assurance that if any clues to light in future, the case will be re-opened for investigation.

When I approached the Deputy Municipal Commissioner, Circle No.6, where my mother Smt Sumitra was working as Kamatan in Ward 4/A, Circle 6 and missing from 31.8.1996. I was informed that action is possible on completion of eight years from 31.8.1996 when the police declares the missing person as dead.

On the verbal assurance, I am waiting for action as requested. But, till now, no action has been taken and Smt Sumitra did not even get her salary and job. Now, some well wishers advised me to obtain the written direction from waiting otherwise the office may not recognize me as son of Smt Sumitra after long period.

I request your honour to kindly advise me properly as to what should I do.

Early orders are solicited please.”

The above reproduced contents of the petitioner's letter do not show that he has sought for compassionate appointment. In the absence of a specific request for his appointment in place of his mother on compassionate grounds, the said letter cannot be treated as an application for appointment on compassionate grounds. Therefore, we do not find any merit in the Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.13828 of 2016 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

07th April, 2016

DR