

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25927 of 2016

ORDER:

The petitioner is the wife of late Mallela Jayaraju, who worked as attender in the E.S.I. Dispensary, Bhavanipuram, Vijayawada and died in service on 25.11.2009. The deceased earlier married one Varalakshmi through whom three daughters were born. The first wife died on 05.12.1997 and after her death, he married the petitioner on 27.12.2000. A son and daughter were born to the petitioner out of the said marriage. After the death of her husband, she submitted an application to respondent No.2 for release of the pension and the pension amount was released in her favour. She shared the said amount with the children of first wife. The eldest daughter born to the first wife was got married and two other daughters were studying. The petitioner submitted an application to respondent No.2 to provide her employment and produced necessary certificates. She submitted a representation on 13.11.2014 to consider her case and when the same was not considered, the present writ petition was filed.

A counter affidavit is filed on behalf of respondent No.2 stating that the husband of petitioner expired on 25.11.2009 while in service. A No Objection Certificate dated 30.12.2009 was issued by the Tahsildar, Vijayawada Urban containing

the names of the family members of the dependant. The petitioner submitted an application for appointment under compassionate grounds by letter dated 20.11.2010 and the unmarried daughter to the first wife of the husband of petitioner also submitted an application for appointment under compassionate grounds by letter dated 20.11.2010. Though the petitioner was asked to submit the required documents for considering her application for compassionate appointment by proceedings dated 03.12.2010, 08.03.2011 and 09.01.2012, she did not produce the documents, but submitted her application on 23.11.2011, 22.11.2012 and 07.03.2013. However, she submitted her application on 22.11.2012 along with some documents. She was asked to submit the documents like financial status certificate, no objection letters from the other dependant family members for considering her case for appointment on compassionate grounds by letter dated 03.12.2013 and there is no response from the petitioner. In the meanwhile, the unmarried daughter to the first wife of the husband of petitioner submitted an application stating that her step mother has not been looking after the welfare and her studies and other sisters. She also raised objections for releasing the benefits in favour of the petitioner. Since the petitioner failed to produce the required documents and in view of the objections raised by the other family members of the deceased, the case of petitioner was not considered.

It is not in dispute that the husband of petitioner, who was working as attender, died on 25.11.2009 leaving the petitioner and five children. Out of five children, the eldest daughter, who was born to the first wife, was married. But, however she stated that she is an unmarried daughter and claimed employment under compassionate grounds. The petitioner also did not produce the required documents in spite of the communication of respondent No.2 dated 03.12.2013.

In the circumstances, without expressing any opinion on merits of the case, liberty is given to the petitioner to submit the required documents to respondent No.2. On receipt of which, respondent No.2 shall consider the case of petitioner and other eligible members of the family, if there is any claim for compassionate appointment as per the Rules in vogue, and pass appropriate orders thereon.

Accordingly, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

13.10.2016

Note: Issue C.C. in one week
(B/O)
MVA