

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24698 of 2015

ORDER

This writ petition is filed seeking to declare the action of the 1st respondent in returning the job proposal of the petitioner vide Memo dated 12.5.2015 as arbitrary and illegal.

The husband of the petitioner viz., M.Ramesh, worked as Junior Lineman in the respondent-organization. As his first wife died after giving birth to twins viz., Nithish and Nikhil, he married the petitioner. After marriage, they were blessed with one male child viz., Nithin. While so, the husband of the petitioner died on 18.3.2014. Hence, she submitted a representation to the respondent-organization seeking appointment on compassionate grounds along with consent letter of her children. The second respondent forwarded the same to the first respondent on 26.2.2015. But the said representation was returned *vide* Memo dated 12.5.2015 of the 1st respondent on the ground that the 4th respondent filed an objection petition.

Counter-affidavit is filed on behalf of the

respondents stating that the 4th respondent is the grand mother and guardian of the two minor children born to the first wife of late M.Ramesh. The 4th respondent filed an objection petition on 26.2.2015 before the Divisional Engineer, Jagityal stating that the case of the petitioner could not be considered for employment on compassionate grounds as the property dispute of the deceased employee is not settled. In view of the dispute between the children born to the first wife of late Ramesh and the petitioner, her application was returned. It was further stated that the petitioner may approach appropriate Civil Court to determine as to who should be considered for compassionate appointment.

It is clear from the above facts that the petitioner is the second wife of the deceased employee, who died on 18.3.2014. It is not in dispute that two children were born to the first wife and one child to the petitioner. There is no claim from any one for providing employment on compassionate grounds except the petitioner. It appears that the property dispute between the petitioner and the 4th respondent is not settled. But that is not a ground for not considering the claim of

the petitioner for compassionate appointment. The dispute is a personal matter between the petitioner and the 4th respondent.

In the circumstances, the impugned order dated 12.5.2015 passed by the 1st respondent is set aside. The 1st respondent is directed to call for the earlier proposal of the 2nd respondent and consider the case of the petitioner for appointment on compassionate grounds, in accordance with law, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

23rd August, 2016

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