

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.13591 of 2013

ORDER

This writ petition was filed seeking to declare the proceedings dated 4.5.2011 issued by the 1st respondent rejecting the request of the petitioner for providing employment under compassionate grounds and withholding part of retirement benefits of his father, as arbitrary and illegal.

The father of the petitioner joined in the respondent-Corporation in the year 1973 as NMR and his services were regularized in the year 1983 as Lineman. He discharged his duties upto 7.5.1995 and thereafter, he was found missing. Hence, the petitioner filed O.S.No.171 of 2006 before Junior Civil Judge, Atmakur, and the same was decreed on 18.3.2008 declaring that his father was dead as per Section 108 of the Indian Evidence Act as he has not been heard for more than seven years. Based on the said judgment, the petitioner approached the respondents for release of retirement benefits of his father. Memo dated 4.5.2011 was issued rejecting the request of the petitioner. Thereafter, proceedings dated 4.11.2011 were issued by the

second respondent stating that for payment of pensionary benefits, the proposals were transmitted to AP Genco and necessary instructions are awaited. Seeking employment on compassionate grounds and permission to withdraw part of the retirement benefits, the present writ petition is filed by the petitioner.

Counter-affidavit is filed stating that if the father of the petitioner continued in service, he would have retired at the age of 58 years in the year 1999. Since the period from the date of missing i.e., 8.5.1995 to 30.06.1999 is not seven years, the claim for appointment on compassionate grounds was not considered. With regard to the amounts due to his father, the following amounts were paid.

“(a) GPF (SHEP-144) Rs.15,502-00 vide Memo No.SE/O&M)/SLMP/PRA1/C3/F.DKT/DNo.989/10, dt.2.12.2010.

(b) Balance earned leave for 101 days Rs.12,602/-

vide MemoNo.CEE/O&M/SLMW/ADM/JAO-II/U1/1263/12,Dt.30.03.2012.

(c) Gratuity Rs.27,270-00 vide CEE/O&M/SLMW/ADM/JAO-II/U1/1263/12, Dt.30.03.2012.”

The petitioner was about 50 years age as on the date of filing of the writ petition and he is not entitled to any appointment on compassionate

grounds even assuming that his case has to be considered for appointment. The amounts due to his father were paid to him as stated in the counter-affidavit. The impugned order of rejection was passed on the ground that the claim of the petitioner was not in tune with the instructions issued by the Government *vide* Circular dated 12.8.2003. The petitioner could not show any ground regarding applicability of these instructions and consideration of his case for appointment.

In the circumstances, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

11th August, 2016

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