

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.5835 of 2015**

**ORDER:**

The petitioner's father N.Jangaiah died on 29.04.1999 while he was working as a Ward Boy. He had a large family consisting of eleven members including the petitioner. After his death, the eldest son in the family was given appointment on compassionate grounds in respondent No.3 hospital as Telephone Operator. At the time of his appointment, all the family members consented to his appointment, subject to the condition of maintaining other dependant family members including the petitioner. But, it appears that after his appointment and regularisation of his services, he neglected to maintain the dependant family members. However, all other family members got married and they were settled in life. The petitioner remained unmarried and could not secure any employment though she is a graduate. However, the said son, who is the eldest son of Jangaiah, also expired on 14.07.2013 leaving behind himself his wife and four children. His wife appears to have claimed appointment on compassionate grounds, apart from seeking retiral benefits. In those circumstances, when the representation of petitioner dated 04.04.2014 was not considered, the present writ petition was filed.

During pendency of the writ petition, respondent No.5 was appointed on compassionate grounds and in view of the same, the petitioner challenged that appointment also.

Respondent No.3 filed a counter affidavit admitting the averments relating to death of Jangaiah leaving a large family. It was also admitted that his eldest son was given appointment and he also died on 14.07.2013. After his death, his wife produced

before the authorities a Family Members Certificate showing four members (two sons and two daughters) as depending on her. Based on the Family Members Certificate, the service benefits and pension were released in her favour. Though the petitioner herein filed W.P. No.14213 of 2014 and the same was disposed of on 06.06.2014 directing the respondents therein to consider the case of petitioner for appointment on compassionate grounds or to pay monetary benefits to the petitioner, the monetary benefits payable consequent to the death of Srinivasa Rao were paid on 04.04.2014 and 09.04.2014 respectively to the wife of deceased even before receiving the orders from this Court. It was further stated that the petitioner is not entitled for the Post of Junior Assistant under compassionate grounds, since the family members of deceased alone are entitled for consideration of their case. In the meanwhile, the wife of deceased sought appointment on compassionate grounds and the proposals were submitted to the District Collector, Hyderabad for necessary action. The wife of deceased was appointed as Junior Assistant on compassionate grounds in her husband's place and she reported for duty on 05.03.2015. In those circumstances, an order was passed on 08.08.2014 stating that the petitioner is ineligible for the post of Junior Assistant under compassionate grounds.

Respondent No.5 also filed a separate counter affidavit stating that the petitioner is in private service, but not unemployed as alleged by her. Respondent No.5 denied her knowledge with regard to the undertaking given by her husband agreeing to take up the responsibility of maintenance of the entire family members at the time of taking employment. There were disputes consequent to the death of her husband, as other family members of her husband failed to look after her family. In fact, the disputes

went to the extent of complaining to the Police.

In view of the above averments of the respondents 3 and 5, it is not in dispute that the petitioner was one of the daughters of deceased N.Jangaiah. After his eldest son was given employment on the basis that he would look after the other family members of Jangaiah, a specific undertaking was also taken from him. While the eldest son was in service, the other family members got married and settled in life leaving the petitioner. The petitioner is now unmarried and a graduate. Though she was employed occasionally, she has no regular job. Even though the right of petitioner to get employment under compassionate grounds due to death of her brother, who has taken appointment under compassionate grounds consequent to death of her father cannot be allowed, it is for the respondent No.2 to consider the case of petitioner on sympathetic grounds. If there is any provision for rehabilitating such destitute women under any scheme or rule, respondent No.2 shall consider and pass appropriate orders.

With the above observations, this Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**A.RAMALINGESWARA RAO, J**

16.06.2016

MVA