

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.19532 OF 2017

Dated:16.06.2017

Between:

N. Padma, W/o. Late N. Ram Prasad,
Aged 30 years, House Wife,
R/o.Miryalaguda, Nalgonda
District, Telangana

.. Petitioner

And

The State of Telangana, rep.,
By its Principal Secretary
MA & UD Department,
Secretariat, Hyderabad,
Telangana State and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.19532 OF 2017****ORDER:**

Petitioner is the wife of Late N. Ram Prasad, who was son of N. Gopal, an ex-employee of Miryalguda Municipality. As per the averments made in the affidavit filed in support of the Writ Petition, N. Gopal died on 30.01.2000. Petitioner claims that she, being the widowed daughter-in-law of N. Gopal, should be provided appointment on compassionate grounds. The grievance of the petitioner is that the respondents are not providing appointment on compassionate grounds. Hence, this writ petition.

2. Perusal of the material on record would disclose that earlier the petitioner instituted O.A.No.3003 of 2008 before the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking a direction to the respondents to appoint her in any one of the existing Last Grade Posts, on compassionate grounds. The said O.A. was dismissed by order dated 17.03.2010. The Tribunal took note of the contentions of the petitioner that her husband applied for compassionate appointment on 08.05.2001 and noted that till the death of her husband, he did not make any effort to claim appointment, and only after his death, she filed the application. By construing the scheme of compassionate appointment as notified by the Government in G.O.Ms.No.612 dated 30.10.1997, the Tribunal held that daughter-in-law is not included as one of the persons entitled to claim compassionate appointment and dismissed the O.A. It is not in dispute that the order of the

Tribunal has become final. For the very same relief, the present Writ Petition is filed.

3. The only reason appears that Allahabad High Court in **Smt. Sudha Jain v. State of Uttar Pradesh** rendered judgment on 29.04.2011 holding that a dependent lady member of the family of the deceased employee is entitled to claim employment on compassionate grounds. The extract of the said judgment is incorporated in paragraph No.8 of the writ affidavit. To support her contention, the petitioner has also placed reliance on the decisions of the other High Courts. The affidavit is silent as to why the petitioner kept quiet after the decision was rendered by the Tribunal dismissing her claim.

4. Even assuming what is contended by learned counsel for the petitioner, based on the decisions of various High Courts relied upon by him that a daughter-in-law can also claim appointment on compassionate grounds on the demise of father-in-law is valid, the fact remains that the same plea was raised by the petitioner in O.A.No.3003 of 2008 and the said O.A. was dismissed. Thus, for the very same relief, no second case can be instituted and therefore, the Writ Petition is liable to be dismissed on this ground alone.

5. However, it is also seen that the employee died on 30.01.2000, whereas the claim for appointment on compassionate grounds by the petitioner was made for the first time in the year 2008, when the O.A. was instituted by petitioner. As noted by the Tribunal, which is not disputed, husband of the petitioner, though made a representation on 08.04.2001, kept quiet till his death in

the year 2008 and the present Writ Petition is filed in the year 2017.

6. Appointment on compassionate grounds is an exception to the normal method of recruitment and no right would flow out of the scheme of appointment and no person can insist as a matter of right to provide compassionate appointment. Thus, when a person is claiming employment under the scheme, he/she has to satisfy the Court that there are still destitute circumstances warranting provision of employment. Further, it is the settled principle of law, the object of the scheme of compassionate appointment is to attend to immediate necessities of the family after demise of the employee, so that the family is not thrown into doll drums on account of loss of bread-winner of the family. If a family can survive for 17 long years without the bread-winner, it cannot be said that the same destitute circumstances continue to claim employment under the scheme. It is also noticed from the declaration in the Writ Petition that the age of the petitioner could presumably be 13 years when the death of N.Gopal occurred. Thus, the petitioner could not have been a member of the family when the death occurred.

7. For the aforesaid reasons, no relief as sought for can be granted to the petitioner and the Writ Petition is liable to be dismissed.

8. The Writ Petition is accordingly dismissed in *limini*. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

P. NAVEEN RAO, J

Date:16.06.2017

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