

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27465 OF 2017

ORDER :

This writ petition is filed challenging the Circular Memo No.3548/Ser.G/A2/2010-8, dated 24.03.2012, issued by the 1st respondent and the related rejection order issued by the 3rd respondent vide Lr.No.A1/3797/2016, dated 29.05.2017 rejecting the petitioner's application for appointment on compassionate grounds due to the death of her mother, on the ground that petitioner's father was a pensioner, as illegal and arbitrary.

Learned counsel for the petitioner submits that in similar circumstances the Division Bench of this Court in WP.No.16242/2013 held that sanction of Family Pension to the wife of the deceased is not a ground for rejection of compassionate appointment.

Learned Assistant Government Pleader for Services submits that as per Government clarification in Circular Memo No.3548/Ser.G/A2/2010-8, G.A.(Ser.G) Department, dated 24.03.2012, if there is earning member in the family, no compassionate appointment can be granted in respect of that family.

It is to be seen that the Division Bench while dealing with the similar issue arising out of order passed by the A.P.Administrative Tribunal, held as follows;

“Yet another defence is taken by the learned counsel that as the wife of the deceased is getting family pension, the applicant is not entitled for compassionate appointment. But, the same cannot be accepted. Merely because family pension is being paid to the wife of the deceased, the same is not a ground to deprive the benefit of compassionate appointment under this scheme notified by the Government for the children of the deceased who die in harness.”

In view of the above, the impugned order is set aside and the respondent authorities are directed to reconsider the application of the petitioner and take action accordingly.

The writ petition is allowed to the extent indicated above. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

30.08.2017

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