

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 16096 of 2005

Between:

B.Uday Kumar, S/o Mohan Rao,
R/o B.P.Colony, Kanehili Post and

Mandal, Srikakulam District.

..... PETITIONER

AND

1. Andhra Pradesh Road Transport
Corporation, rep.by its Vice Chairman
and Managing Director, Musheerabad,
Hyderabad.

2. Regional Manager AP.SRTC.,
Srikakulam Region, Srikakulam

...RESPONDENTS

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the order dated 18-02-2005 passed by the Regional Manager-second respondent herein rejecting the claim of the petitioner for appointment as conductor on compassionate grounds.

2. According to the petitioner, his father was working as Driver at Palasa Depot since 1997. While so, he expired on 28.02.2002. Due to sudden demise of the petitioner's father, the entire family became indigent and therefore the petitioner made a representation on 21.8.2002 requesting the authorities to provide employment on compassionate grounds. However, the application of the petitioner was rejected on the ground that the petitioner has not fulfilled the requirements stating that as per the organization rules candidate must have 21 years and qualified

for atleast X class and also one has to apply within a period of 3 years from the date of expiry. The said order is assailed on the ground that the petitioner is fulfilling all the requirements as per the rules, but, however, stated that as observed in the impugned order that the candidates must have 21 years, is not in accordance with the rules.

3. The learned counsel for the petitioner referred to Circular No.PD-30/2000 dated 05.5.2000, which was issued by the Corporation as per which the eligibility criteria of a dependant is specified under Part III sub-para 2. The dependant child should attain the minimum age of 18 years as on the date of submission of application for consideration for the post of Driver/Conductor/Shramik. Therefore, according to the petitioner the requirement of completion of 21 years is not required and the same shall not apply to a dependant and the observation made by the Regional Manager is incorrect.

4. The learned counsel for the petitioner also contended that admittedly the petitioner completed the age of 18 years by the date of application made on 21.8.2002. According to the petitioner, his date of birth is 13-8-1984 and he had passed X class in the year 2000. Further, as the application was made in the year 2002 itself, it was made well within the time prescribed under the regulations and the circulars. Therefore, the petitioner is entitled for being appointed as a Conductor as claimed by the petitioner. But the rejection is not based on the correct facts, hence, sought for appropriate orders.

5. The learned Standing Counsel, however, sought to contend that in so far as conductors are concerned, as per the very same circular, the required qualification specifically shows that one must be above 21 years of age and below 35 years of age as on 01st July of the year in which recruitment is made. Therefore, as the petitioner did not complete 21 years of age he is not eligible for being considered for appointment as conductor. Hence, the rejection is proper and just.

6. Heard both sides and considered the material on record.

7. The issue is as to the legality of the order passed by the second respondent on 18.02.2005, rejecting the claim of the petitioner for being appointed as conductor on compassionate grounds. The grievance of the petitioner is that the petitioner's father expired while working as a Driver of the Corporation on 28.02.2002 leaving the members of the family in indigent circumstances. Therefore, the petitioner is entitled for being appointed on compassionate grounds and accordingly made an application on 21.8.2002, that is, well within the time prescribed under the regulations and the circulars. The petitioner also claimed that he passed X class by March 2000, which is one of the requirements for appointment as a conductor. The petitioner also claimed that as the minimum age prescribed under the circular is only 18 years, he is eligible for being appointed as a conductor. But, however, the contention of the Standing Counsel is unless the petitioner completes 21 years of age, he is not eligible for being appointed as conductor. What is prescribed under Part III sub-para 2 of the Circular referred to is only the minimum age for making an application for being considered for the post of Driver/Conductor/Shramik. But, however, by the time of appointment one has to complete 21 years and unless one completes 21 years he is not eligible. Therefore, the petitioner is not eligible for being appointed as on the date of impugned order. But, even assuming that the candidate has to complete 21 years of age by the date of appointment as a conductor, even then the petitioner is completing 21 years by 13th August or by 12th August 2005 as his date of birth as claimed is 13th August 1984. The petitioner made his application on 21.8.2000 by which date he had completed 18 years and he has already passed X standard. Therefore, there cannot be any objection for being appointed as a conductor on completion of period of 21 years. In addition the corporation has got enough powers to grant relaxation. Therefore, it is appropriate for the respondent-corporation to consider the case of the petitioner and appoint him as conductor on compassionate grounds as being fulfilling all the requirements. Even if there is shortfall in the requirement of 21 years, the Corporation is entitled to exercise its discretion to relax in any case. As the petitioner will be completing 21 years by 12.8.2005, the corporation is liable to appoint him as a conductor after 12.8.2005.

8. Under the above circumstances, the impugned order is set aside and the

corporation is directed to consider the claim of the petitioner and appoint him as he has been fulfilling all the requirements prescribed under the Regulations and in terms of the Circular No.PD-30/2000, dated 05.05.2000. No costs.

S.ANANDA REDDY,J.

Date: 25th July 2005.

BSB