

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.29231 OF 2017

ORDER

This writ petition is filed challenging the proceedings of the 1st respondent – Special Chief Secretary to Government in Memo No.4884/PR.II/2011 dated 12.08.2016 in rejecting the claim of the petitioner for appointment on compassionate grounds.

As per the averments made in the affidavit filed in support of the writ petition, the learned counsel for the petitioner would submit that the father of the petitioner worked as Gangman in Panchayat Raj Sub Division Kalwakurthy and died during harness, leaving behind his wife, four daughters and a son, who is the petitioner herein. The petitioner and his mother made application seeking compassionate appointment. By proceedings dated 2.8.2008, the 3rd respondent rejected the case of the petitioner, on the ground that he is under-aged and the application of his mother, on the ground of over-age. Aggrieved by the same, petitioner filed O.A.No.1887 of 2011 and the Andhra Pradesh Administrative Tribunal by interim order directed the respondents to consider the representation of the petitioner. The 3rd respondent by proceedings dated 30.04.2011 rejected the claim of the petitioner on the same grounds. Assailing the order dated 30.04.2011, the petitioner filed another application in O.A.No.4689 of 2014 and by the time of filing of the O.A., the petitioner attained majority and completed his intermediate, ITI and graduation in B.A. The Tribunal by following its earlier order dated 2.9.2013 in O.A.No.6797 of 2010, disposed of O.A.No.4689 of 2014 directing the respondents to consider the case of the petitioner under compassionate appointment scheme for suitable post in relaxation of para 2(V) of G.O.Ms.No.612 G.A. (Ser.A) Department dated 30.10.1991 and pass appropriate orders. The 3rd respondent again by the impugned order dated 12.08.2016 rejected the claim of the petitioner. Challenging the same, the present writ petition is filed.

Heard the learned Assistant Government Pleader for Services for the respondents.

At para 2(v) of G.O.Ms.No.612 dated 30.10.1991, the Government ordered that, as the object of the social security scheme is to give immediate relief to the distressed family of the deceased Government employee, a minor who does not attain majority within two years as specified in Government Memo No.618/Sr.A/78-II, General Administration Department dated 17.12.1979 after the demise of the Government employee, shall not be considered for appointment. The Tribunal by its order dated 22.12.2014, directed the respondents to consider the case of the petitioner in relaxation of the said clause.

The learned counsel for the petitioner has also brought to the notice of this Court G.O.Rt.No.1608 Panchayat Raj and Rural Development (Estt.VA) Department dated 27.10.2008, G.O.Rt.No.1086 Panchayt Raj and Rural Development (Estt.VA) Department dated 19.06.2012, G.O.Rt.No.1395 Panchayta Raj and Rural Development (Mdl.II) Department dated 26.08.2011, G.O.Rt.No.427 dated 21.2.2009, G.O.Rt.No.1452 dated 8.9.2011 and G.O.Rt.No.884 dated 16.6.2010, issued by the Panchayt Raj and Rural Development Department, where-under the Government, in relaxation of para 2(V) of G.O.Ms.No.612 dated 30.10.1991, considered the case of the applicants therein for appointment on compassionate grounds, as special cases.

The relevant portion of the impugned proceedings reads as under:

“The attention of the District Collector, Mahabubnagar District is invited to the references cited. Government after careful examination of the matter, hereby reject the proposal for appointment of Sri A.Ganesh, s/o late A.Ramulu, Gangman, Kalwakurthy, Mahabubnagar District under compassionate grounds, in relaxation of Rules.

2. The District Collector, Mahabubnagar District is requested to take necessary action accordingly.”

A reading of the above impugned orders goes to show that no reasons have been assigned by the 1st respondent while rejecting the claim of the

petitioner. As already noted above, the Tribunal directed to consider the case of the petitioner in relaxation of para 2(v) of G.O.Ms.No.612 dated 30.10.1991. Therefore, it is clear that the impugned order is not in consonance with the directions of the Tribunal. Hence the same is liable to be set aside.

For the foregoing reasons, the impugned proceedings dated 12.08.2016 is set aside and the matter is remitted to the 1st respondent to reconsider the case of the petitioner for appointment on compassionate grounds afresh, by taking into consideration the above averments and take appropriate action in accordance with law.

The writ petition is allowed to the extent indicated above. No costs.

Miscellaneous petitions pending if any, shall stand closed.

DATE: 07—09—2017

AVS



A.RAJASHEKER REDDY,J