

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.24069 of 2017

O R D E R:

1st petitioner is the wife and 2nd petitioner is the son of one D.Gangadhar, who had worked as Gazetted Head Master in Z.P. High School, Sirikonda and died on 09.01.2015 while in service. 1st petitioner also had a daughter, who is elder to the 2nd petitioner.

2. Initially, 1st petitioner made an application on 08.01.2015 to the 2nd respondent along with all supporting documents seeking compassionate appointment for her daughter.

3. On 08.06.2016, the 4th respondent directed the petitioner to furnish further documents

4. In the meantime, daughter of the 1st petitioner got married and did not show any interest to take the offer of compassionate appointment and to support the petitioners. Therefore, 1st petitioner requested the 4th respondent, through a representation dt.22.11.2016 along with supporting documents, to consider the case of the 2nd petitioner for compassionate appointment in the place of her daughter.

5. This was rejected on 22.12.2016 by respondents 3 and 4. In the said order, it is stated that the said application was made beyond the period of one year from the date of

death of the employee. It is also stated therein that request for compassionate appointment to the daughter of the 1st petitioner also came to be rejected, since the 1st petitioner had stated that she was not willing for grant of compassionate appointment to her daughter.

6. Assailing the same, this Writ Petition is filed.

7. Sri S.Rahul Reddy, counsel for petitioner contended that the said action of the 3rd respondent is illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India; that as per the policy of the Government notified vide G.O.Ms.No.687, General Administration (Services-A) Department, dt.03.10.1977 read with Circular Memo No.60681/Ser.A/2003-1, dt.12.08.2003, appointment on compassionate ground can be given to one of the dependent family members of the deceased government employee, who died in harness as a social security measure, if there is no other earning member in the family to help the family of the deceased employee; that in view of the sudden demise of the husband of the 1st petitioner since grave financial hardship was caused to the petitioners, the respondents cannot reject the request of the 1st petitioner to give employment to the 2nd petitioner, merely on the ground that it was made beyond the period of one year, having not granted compassionate appointment to the daughter of the 1st petitioner either. He contended that in view of the marriage of the daughter of the

1st petitioner, 1st petitioner requested the 2nd petitioner to be given the job, keeping in view the policy of the Government, and since there is no undue delay in making the request, and since the representation was made before the daughter of the 1st petitioner was provided employment on compassionate ground and within a short time after the marriage of the daughter of the 1st petitioner, the respondents cannot reject the same on the ground of delay.

8. In the counter affidavit filed by the 3rd respondent, it is stated that since the application of the 1st petitioner seeking employment to the 2nd petitioner was given on 22.11.2016, more than one year from the date of death of the husband of 1st petitioner on 09.01.2015, the case of the 2nd petitioner cannot be considered. Reference is also made to G.O.Ms.No.687 dt.03.10.1997 as well as subsequent G.O.Ms.No.400 dt.02.09.1996 and Circular dt.28.05.2005.

9. I have noted the submissions of both sides.

10. In the present case it is not as if the application for appointment on compassionate ground was first made by the 1st petitioner more than one year from the date of death of her husband. Admittedly it was made on 08.01.2016 seeking appointment to the daughter of the 1st petitioner within one year from the date of death of 1st petitioner's husband on 09.01.2015.

11. While the said application was pending, the daughter of the 1st petitioner got married and since the daughter had no interest in taking up the job and supporting the petitioners, 1st petitioner made request on 22.11.2016 to consider the case of the 2nd petitioner for appointment on compassionate grounds.

12. In effect, the request of the 1st petitioner is to substitute the 2nd petitioner as the applicant for the job on compassionate grounds in the place of her daughter. The respondents cannot interpret the G.Os and Circulars referred to by them in such a perverse manner as to deny appointment to both the 2nd petitioner and his sister.

13. The purpose of the Government policy, being to provide succor to the family of deceased-employee, such policy cannot be allowed to be defeated by denying appointment on compassionate grounds to members of the family of the deceased-employee by giving a interpretation that the application of the 1st petitioner seeking appointment for 2nd petitioner is made on 22.11.2016, completely losing sight of the fact that the request is to substitute the 2nd petitioner in the place of daughter of the 1st petitioner, who had got married and who did not show any interest in getting the job and supporting the family of the deceased-employee.

14. Therefore, the Writ Petition is allowed; the order dt.22.11.2016 passed by the respondents 3 and 4 is set aside;

and they are directed to consider the case of the 2nd petitioner for appointment on compassionate grounds within a period of eight (08) weeks from the date of receipt of a copy of this order and communicate their decision to the petitioners. There shall be no order as to costs.

15. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

28th July, 2017
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