

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.30024 OF 2017

ORDER

Aggrieved by the proceedings in L.Dis.No.C1/10358/2016 dated 31.05.2017 passed by the 2nd respondent – Commissioner, Endowments, Government of Andhra Pradesh, in rejecting the claim of the petitioner for appointment on compassionate ground, the present writ petition has been filed.

As per the averments made in the affidavit filed in support of the writ petition, the father and the mother of the petitioner worked as Paricharika and Sweeper respectively, in the 3rd respondent – Devasthanam. The father of the petitioner died on 22.06.2013 while in service and subsequently, on 6.2.2015, the mother of the petitioner also died due to illness. During the life time of her father, the brother of the petitioner was employed as Parcharika during the year 2005 and after his marriage, has been living separately with his wife. The petitioner has one elder sister and she got married and living separately at Hyderabad. The further case of the petitioner is that after the death of her parents, she has no source of livelihood and made an application seeking for appointment on compassionate grounds. The Executive Officer of the 3rd respondent – Devasthanam, by proceedings dated 30.03.2016, recommended the case of the petitioner for appointment on compassionate grounds to the 2nd respondent - Commissioner. By proceedings dated 5.10.2016 the 2nd respondent sought the 3rd respondent to take disciplinary action against the employee of the Devasthanam, who processed the file of the petitioner. The

3rd respondent after conducting a detailed inquiry, submitted report dated 8.4.2017 stating that the petitioner is the daughter of Sri M.Rajagopal and Smt. Rathnamma and that the brother of the petitioner who is working as Paricharika has been living separately since his appointment and that the elder sister of the petitioner has been living separately after marriage and that petitioner has no other means after the death of her parents. However, the 2nd respondent by the impugned proceedings dated 31.05.2017 rejected the claim of the petitioner for appointment on compassionate grounds. Hence the writ petition.

The learned Senior Counsel Sri M.Gangaiah Naidu appearing for the petitioner submits that the 3rd respondent by proceedings dated 30.03.2016 apprising the above facts, recommended the name of the petitioner for appointment on compassionate grounds. Subsequently by proceedings dated 8.4.2017, the 3rd respondent has confirmed the above facts. He further submitted that the Government issued G.O.Ms.No.1357 Revenue (Endowments.I) Department dated 18.07.2011 extending the scheme of compassionate appointment to the dependant family members of the deceased employees of the temple. As the parents of the petitioner died and as she has no livelihood, sought for appointment on compassionate ground. But the 2nd respondent without considering the above facts and circumstances, passed the impugned order rejecting the claim of the petitioner and, therefore, sought to set aside the impugned order and to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds.

The learned Assistant Government Pleader for Endowments by producing written instructions submitted that as the brother of the petitioner was already employed in the temple, the case of the petitioner, for appointment on compassionate grounds cannot be considered and, sought for dismissal of the writ petition.

From the above averments of the petitioner it could be seen that father and mother of the petitioner worked in the 3rd respondent – Devasthanam and they had three children i.e., one son and two daughters and the petitioner is the youngest. The father of the petitioner died in harness. The brother of the petitioner was appointed as Paricharika in the year 2005 during the life time of the father of the petitioner and has been living separately and the elder sister of the petitioner has been married and she is also living separately at Hyderabad and mother of the petitioner also died on 6.2.2015 and the petitioner has no livelihood. The petitioner also relied on G.O.Ms.No.1357 dated 18.07.2011, whereunder the Government extended the scheme of compassionate appointment to the dependent family members of the deceased employees of the temple. Further, when the 2nd respondent sought for a report, the 3rd respondent, vide proceedings in Rc.No.A1/326/2016 dated 8.4.2017, confirmed these facts, but stated that *“In spite of it, her request is against the Regulations and it is informed that her application can be rejected.”* The 2nd respondent – Commissioner passed the impugned proceedings dated 31.05.2017, rejecting the claim of the petitioner.

A perusal of the impugned proceedings dated 31.05.2017 does not refer to the proceedings of the 3rd respondent dated 8.4.2017 and it is only

stated that “*as the proposal for providing compassionate appointment to Kum. T.Vasavi d/o late T.Rathnamma is not in accordance with the rules and hence the proposal is rejected.*” No reasons have been assigned and it is vague. In all prudence, the 2nd respondent, while rejecting the claim of the petitioner, ought to have recorded reasons. Rejecting the claim of the petitioner, without any reasons, amounts to violation of principles of natural justice and on that ground alone, the impugned order is liable to be set aside.

For the foregoing reasons, the impugned order dated 31.05.2017 is set aside and the matter is remitted back to the 2nd respondent to reconsider the claim of the petitioner in the light of the above averments and the report of the 3rd respondent in Rc.No.A1/326/2016 dated 8.4.2017 and take appropriate action in accordance with law.

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

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:11—09—2017

AVS