

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25501 OF 2017

ORDER:

It is the case of the petitioners that the 2nd petitioner is the son and 1st petitioner is the wife of T.Ramulu, who died on 05.11.2016 while working as 'Kamati' at Government SC Boys Hostel, Duddenapally of Karimnagar District. After his death, the 1st petitioner submitted representation dated 29.11.2016 to the 4th respondent along with relevant documents, seeking compassionate appointment to the 2nd petitioner as he passed 10th class and qualified for the appointment. As per the directions of the 4th respondent the petitioner also submitted 'no objection certificate' and 'family members certificate' to the respondents. Thereafter, the 2nd respondent directed the 1st petitioner to submit 'no objection certificate' from all the family members. Meanwhile, the elder brother of the 2nd petitioner submitted letter dated 17.05.2017 not to provide compassionate appointment to the 2nd petitioner. The 2nd petitioner states that his elder brother who objected for compassionate appointment to the petitioner is aged about 50 years and he is living separately with his family, without taking any responsibility of his mother and brothers; that there is a civil dispute with regard to the properties of their deceased father; and that he is not eligible for compassionate appointment since his age is 50 years. It is also stated that basing on the representation of the 1st petitioner the 4th respondent conducted enquiry and addressed a letter to the 2nd respondent on 12.07.2017 seeking clarification

for providing appointment to the 2nd petitioner on compassionate grounds, though 2nd petitioner's elder brother has not given consent. Thereafter no action is taken by the 2nd respondent. Aggrieved by the same present writ petition is filed.

Learned counsel for the petitioners submits that vide Memo No.140733/SER.A/2003-I, Genl.Admn.(Ser.A) Dept., dated 14.11.2003, certain clarifications were issued by the Government for compassionate appointments to the dependants of deceased Government Employees and that clause-3 of the said memo reads as follows;

“3. Government direct that the Compassionate appointment to the dependants of the deceased Government employee shall be, considered either to spouse, son or daughter. In case, if the wife of the deceased Government employee is not inclined to take appointment on compassionate grounds or not qualified for the appointment, the ‘choice of selecting one of her dependant children’ either son or daughter, shall vests with her (the wife of the deceased Government employee).”

In view of the aforesaid clause, no consent is required from all the family members for giving employment to the 2nd petitioner.

Heard learned Government Pleader for Services.

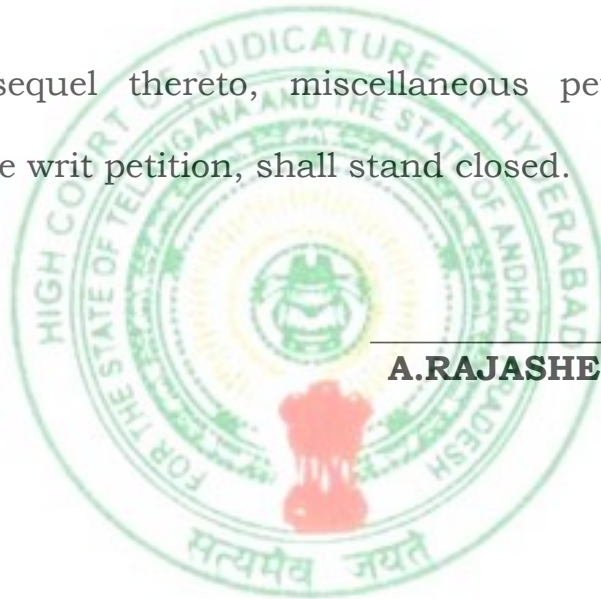
Since the 4th respondent has already sought clarification for providing appointment to the 2nd petitioner on compassionate grounds from the 2nd respondent vide proceedings dated 12.07.2017, and as per clause-3 of the Government Memo No.140733/SER.A/2003-I, Genl.Admn.(Ser.A) Dept., dated

14.11.2003, choice is vested to the wife of the deceased in selecting one of her children for the compassionate appointment, the 2nd respondent is directed to consider the case of the 2nd respondent for compassionate appointment by taking into account the aforesaid government Memo dated 14.11.2003 and take action in accordance with the Rules within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

01.08.2017
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A.RAJASHEKER REDDY, J