

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION (TR) No.1052 OF 2017

DATED : 26.07.2017

Between :

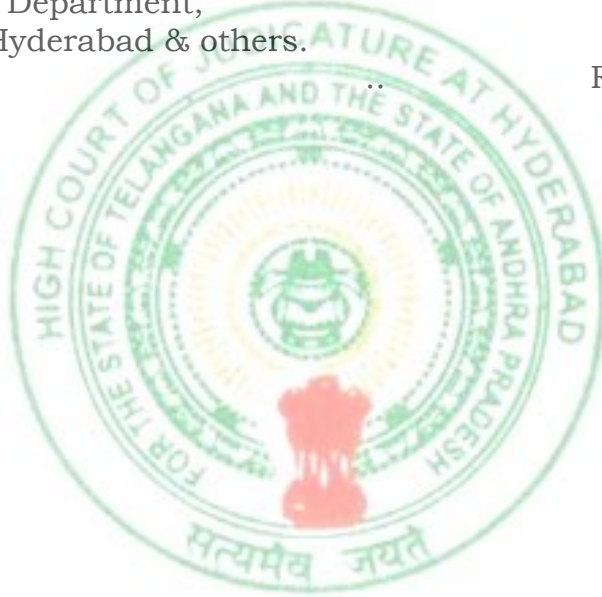
V.Bala Krishna S/o.Chennaiah,
Aged about 25 yrs, Occu : Unemployee,
R/o.H.No.1-7-183/9C, Hanuman Nagar,
New Gunj, Mahabubnagar District.

.. Petitioner/Applicant

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Endowments Department,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Father of the petitioner while working as Senior Assistant-cum-Inspector, in the office of Assistant Commissioner of Endowments-4th respondent, a trap was laid on him on the allegation of demand of illegal gratification. A crime was registered; father of the petitioner was prosecuted before the I- Additional Judge for SPE & ACB Cases, Hyderabad in C.C.No.19 of 2008. The Special Court by judgment dated 16.11.2010 convicted the father of petitioner and sentenced him for imprisonment for three years and also gave direction to remove the father of petitioner from service. Aggrieved thereby father of the petitioner filed CrI.A.No.1393 of 2010 before this Court. Based on the conviction father of the petitioner was dismissed from service by order dated 07.03.2011. During pendency of the appeal and after the dismissal, father of the petitioner died on 10.01.2013. Petitioner filed application for provision of appointment on compassionate grounds on 06.06.2013 by referring to the death and abatement of the criminal proceedings, on account of the death of his father. Alleging inaction on his representation and seeking direction to consider him for appointment on compassionate grounds, petitioner instituted O.A.No.7504 of 2013, since transferred to this Court.

3. The facts noted above disclose that father of the petitioner was dismissed from service on 07.03.2011 based on conviction by the criminal Court. This order of dismissal stands. Thus, petitioner cannot claim that his father was in service when he died.

Claim of compassionate appointment is applicable only to the dependants of an employee who died in harness, while in service. As the death occurred after the order of dismissal from service, it cannot be said that the father of petitioner died in harness, while in service. The abatement of criminal proceedings consequent to his death does not automatically nullify dismissal from service. Furthermore, claim of compassionate appointment is an exception to the normal method of recruitment and therefore, no right vests in dependant to claim employment as a matter of course. The factum of involvement of father of petitioner in a grave offence, which ultimately resulted in his conviction and dismissal from service, can be a factor for denying employment on compassionate grounds.

4. In the counter affidavit filed by the respondents, they have asserted that as the father of petitioner was convicted and dismissed from service, claim for compassionate appointment cannot be granted. Thus, petitioner is not entitled to seek employment on compassionate grounds.

5. Having regard to these facts, the petitioner is not entitled for employment on compassionate grounds and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition (Tr) is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition (Tr) shall stand closed.

P.NAVEEN RAO,J

26th July, 2017
Rds