

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9252 OF 2017

Dated:27.03.2017

Between:

Bhimanathuni Venkateswara Rao,
S/o. Sambasiva Rao, aged 37 years,
Occ: RTC Driver, R/o. Vemuluripadu (V),
Phirangipuram (M), Guntur District

.. Petitioner

And

Andhra Pradesh State Road Transport
Corporation, rep., by its Managing
Director, Vice Chairman, Bus Bhavan,
Musheerabad, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Petitioners are children of late Sambasiva Rao, who was the driver in the respondent – Corporation. Late Sambasiva Rao died on 26.02.2011. In this Writ Petition, the petitioners claim that their family is not provided with employment under the Bread Winner Scheme (for short, 'the Scheme') and therefore, they are entitled to additional monetary benefit. According to the Scheme evaluated by the respondent – Corporation, additional monetary benefit to a tune of Rs.1,00,000/- has to be paid, if employment is not provided with the family. It is, therefore, the contention of the petitioners that since their family is not provided employment under the Scheme, the additional monetary benefit ought to have been granted to them.

2. Learned Standing Counsel for the respondent – Corporation, on instructions, submits that in Circular No.PD-17/2007, dated 12.04.2007, it is clearly specified that if any of the family members was already employed either in the respondent - Corporation or elsewhere, the family is not entitled to additional monetary benefit.

The relevant paragraph reads as under:

“the additional monetary benefit is payable to spouse/children of employees died in harness only if none of the children or spouse is already employed. “If the Corporation has made an offer of employment to either spouse or one of the children of deceased employee, and the offer of employment has not been accepted, **Addl. Monetary Benefit can be paid, if claimed, in lieu of employment under Bread Winner Scheme, duly**

obtaining undertaking from them that they will not claim for employment at a later date and deleting the name registered for employment under Bread Winner Scheme.””

3. The Scheme is introduced in order to assist the suffering of the family on account of sudden demise of the earning member in the family. The person claiming employment has to fulfil the required qualifications and eligibility criteria to hold the post offered by the respondent – Corporation. In the event there is no eligible family member, who can be appointed under the Scheme, the respondent – Corporation offers an additional monetary benefit as a onetime measure in lieu of such appointment. Thus, whenever employment is not provided under the Scheme, only additional monetary benefit is sanctioned by the respondent – Corporation.

4. In the instant case, additional monetary benefit is not sanctioned on the ground that one of the family members i.e., the 1st petitioner was already employed in the respondent – Corporation. From the paragraph extracted above, it is clear that in case if a person is employed already, additional monetary benefit cannot be paid. In the instant case, as the 1st petitioner was already employed, family is not entitled to additional monetary benefit. Hence, I see no illegality in the respondent – Corporation in not granting additional monetary benefit as claimed by the petitioners. There are no merits in the Writ Petition and the same is liable to be dismissed.

5. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:27.03.2017

KH

P. NAVEEN RAO, J

