

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.21492, 27013 of 2012, 9830, 30360, 34336, of 2014,
41680 of 2015, 11722, 11792 of 2016

COMMON ORDER

All these writ petitions relate to appointment on compassionate grounds to the kin of the deceased persons, who died in extremist violence.

The Government, initially, issued G.O.Ms.No.469, G.A (SC.A) Dept, dated 8.11.1996 to provide employment to son or daughter, or spouse of any person, who died in extremist violence or in police firing. Accordingly, the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of staff pattern and Pay Structure) Act, 1994, was amended by Ordinance No.24 of 1996, dated 28.10.1996. The Collectors are empowered to issue orders in respect of any Department where there is a vacancy for appointment of a person upto the level of Junior Assistant/Typist, depending upon the qualifications of the applicant. It was further stated that the said Government Orders would come into force from 26.02.1996. Later on, G.O.Ms.No.504, General Administration (SC.A) Department, dated 11.8.2008 was issued by the Government in order to cover cases of the victims of the family, who were killed in extremist violence prior to 1996 also. But in the said Government Order, three months time was

provided for submitting the applications to the concerned District Collectors.

It appears that G.O.Ms.No.50, General Administration (SC.A) Department, dated 21.02.2014 was issued by the Government for payment of additional *ex gratia* of five lakhs in lieu of employment if there are no eligible family members as on the date of death of the victim.

When the daughter of a person killed in extremist violence on 25.1.1993, she applied for appointment on compassionate grounds by taking the aid of the above Government Orders and her request was turned down by proceedings dated 12.7.2010, as she was a minor at the time of her father's death. When she filed W.P.No.24117 of 2010, a learned Single Judge of this Court considered the said case in the light of the above Government Orders and held that relevant age of the candidate be taken as on the date of appointment and accordingly, allowed the writ petition. The said order of the learned Single Judge was carried in appeal being W.A.No.69 of 2012 before a Division Bench of this Court. The Division Bench while confirming the order of the learned Single Judge observed that the entitlement of the petitioner came only in 2008 by virtue of the orders in G.O.Ms.No.504, dated 11.8.2008 and since she applied within the prescribed time, her case can be considered.

In view of the ratio laid down by the learned single Judge of this Court, after considering the various Government orders applicable and confirmed by Division Bench of this Court and as all these writ petitions arise out of the same facts, they need to be allowed.

In these batch of cases, the particulars of dates of death of victims, relation of parties, who have applied for appointment, dates of applications, dates of rejection and the reasons for rejection were mentioned below.

WP NO.	Date of Death	Relation	Date of Application	Date of Rejection	Reason for Rejection
WP No.21492/2012	26-11-1989	Father	09-11-2008	02-10-2009	Minor 6 years
WP No.27013/2012 (G.O.469)	23.04.1997	Elder Brother of father (P1 is grand Father)	30.10.2008	20.05.2010	
WP No.9830/2014	21.12.1992	Father	18.08.2008	11.11.2010	Minor 7 months
WP No.30360/2014 (G.O.469)	21.05.1996	Father	02.01.2008 14.04.2009	21.02.1998 16.06.2010	Minor 12 years
WP No.34336/2014	26.07.1990	Father	04.11.2008	11.11.2010	Minor 8 months
WP No.41680/2015	08.10.1994	Father	20.09.2008	11.11.2010	Minor 11 years
WP No.11722/2015	10.06.1984	Father	10.11.2008	09.05.2002	Minor 6 years
WP No.11792/2015	18.11.1989	Father	31.07.2008	10.01.2009	Minor 10 years

Since this Court found that all the applications are within the prescribed period, the impugned orders are set aside and the matters are remanded to the 2nd respondent for consideration of the cases of

the petitioners for appointment, within a period of six months from the date of receipt of a copy of this order, in accordance with the above Government Orders and the order of this Court referred to above.

All the writ petitions are allowed accordingly. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

16th November, 2017
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