

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30653 of 2017ORDER:

Heard Sri Sai Gangadhar Chamarthi, learned Counsel for the Petitioner and learned Standing Counsel appearing for respondent Nos.1 to 3.

The petitioner is the daughter of late Appala Raju, who was working as Junior Lineman in the respondent corporation. It is her case that on 03.04.2000 her father went Ramachandrapuram and Kakinada and did not turn up till date and since the whereabouts of her father are not known, her mother gave a complaint to Nidadavole Police and the same was registered as a case in Cr.No.61 of 2001 on 13.06.2001 and the case was closed on 20.02.2002 as man missing. Thereafter, the petitioner and her mother filed O.S.No.56 of 2010 on the file of Junior Civil Judge at Nidadavole, for declaration that they are only the legal heirs of late Appala Raju and the said suit was allowed dt. 17.12.2012 declaring them as legal heirs and the said decree has become final.

When no terminal benefits were paid consequent to missing of the father of the petitioner, they filed W.P.No.24099 of 2013 and the said Writ Petition was allowed on 17.09.2013 directing the respondents to release the benefits due to the family of the missing person. On 20.12.2013 the petitioner filed an application seeking employment under compassionate grounds as she is a graduate in Arts and then an Order was passed on 23.09.2016 intimating the petitioner that she is not eligible for employment on compassionate grounds since no application was received within one year from the date of completion of 7 years from the date of filing FIR. Later, she submitted a

representation on 12.12.2016 stating that as on the date of missing of her father, she was minor and the application of the mother of petitioner was not considered. In those circumstances, she challenged the Order dt. 23.09.2016 issued by respondent No.3.

The Order dt. 23.09.2016 passed by Respondent No.3 is as follows:

“ On the request for providing employment under compassionate grounds, speaking orders issued to Kum N. Manga Venu, D/o Late N. Appala Raju, Ex.JLM/OD/Nidadavole(Man Missing from 03.04.2000).

- (i) As per the Orders dt. 17.09.2013 of Hon'ble High Court of AP in W.P.No.24099 of 2013 filed by the petitioners(1) Nandigam Venkate Lakshmi, W/o Late Appala Raju and (2) Nandigam Manga Venu, D/o Sri N. Appala Raju(Man Missing) Rs.831/- towards pension with effect from 13.06.2001 FN to till her death or her marriage or Kum N. Manga Venu start earnings for her livelihood which event occurs earlier vide Lr.No.SE/O/ELR/AO/(E)/Pen/U1/PPO.No.1458/O&M/D.No.560/15, dt. 30.12.2015. Further, Rs.12,465/- sanctioned towards Gratuity to Kum N. Manga Venu vide Lr.No.SE/O/ELR/AO/(E)/Pen/U1/PPO.No.1458/O&M/D.No.561/15, dt. 30.12.2015.
- (ii) Accordingly, as mentioned in the above orders of Hon'ble High Court of Andhra Pradesh, Smt N. Venkata Lakshmi, W/o Late N. Appala Raju, Ex.JLM/OD/Nidadavole (Man Missing from 03.04.2000) was served on account of the dissolution of her marriage by a decree in OP No.73 of 1999. As such, she is not entitled to receive the benefits as well as employment.
- (iii) Further, no application was received in the name of Kum. N. Manga Venu, D/o late N. Appala Raju in the prescribed period (i.e., within one year from the date of completion of 7 years from the date of filing of FIR on man missing i.e., between the period from 12/06/2008 to 11/16/2009, and at that time Kum. N. Manga Venu, D/o Late Appala Raju is minor and not eligible for employment now as per the existing rules.

Since Respondent No.3 had taken pedantic view in considering the case of the petitioner on compassionate grounds though her father was undoubtedly an employee of the Corporation and the petitioner and her mother are surviving without bread winner, this Court feels that it is a fit case to allow the Writ Petition by setting aside the Order dt. 23.09.2016 directing respondent No.3 to consider the case of the petitioner for employment on compassionate grounds, as expeditiously as possible, but not less than three months from the date of receipt of a copy of this Court.

Accordingly, this Writ Petition is allowed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 03.11.2017

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