

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3803 of 2002

ORDER:

This writ petition is filed seeking a writ of mandamus directing the Respondents to consider the case of the 2nd petitioner to appoint him in any suitable post on compassionate grounds.

2. Heard Sri P. Govinda Rajulu, counsel for the petitioner and Sri P. Durga Prasad, Standing Counsel for the Respondent Corporation.

3. It is the case of the 1st petitioner that her husband died on 03.10.1996 while he was working as Controller in the Respondent-Corporation. Then she submitted an application to the Respondents to appoint their son, the 2nd Petitioner herein, who is a graduate, on compassionate grounds in any suitable vacancy. The Respondents interviewed the 2nd Petitioner for appointment to the post of cleaner under bread-winner scheme, but the selection committee considered and selected him for the post of Conductor and directed him for medical examination along with other candidates. However, the 2nd petitioner was rejected appointment on the ground that he has undergone for heart-operation and he is not physically fit for the post of conductor or driver.

4. It is submitted by the counsel for the petitioner that the Respondent-Corporation ought to have considered the case of the 2nd petitioner for the post of at least 'shramik' for which less medical standards are prescribed, but the respondents have

erroneously considered the case of the 2nd Petitioner for the post of conductor and rejected the same on medical grounds.

5. The Standing Counsel appearing for the Respondent-Corporation submits that the case of the 2nd Petitioner was considered and rejected for valid reasons. It is also submitted that in view of the fact that the bereaved family has completed 20 years period from the date of interview, the same discloses that immediate need of bread-winner situation has been passed of. Hence, the Petitioners' family would survive for the remaining period also, and there is no need of showing any compassion on the petitioners.

6. From the material on record, it is clear that the husband of the 1st petitioner died in 1996 and the case of the petitioners was considered and rejected by the Respondent-Corporation for compassionate appointment for one reason or the other. Thus, as on date, more than 20 years period has been completed without compassionate appointment, which impliedly discloses that the difficult tenure could successfully come out of the distress, and therefore, after 20 years there is no possibility of showing compassion on the deceased family.

7. The object of providing compassionate employment is only to relieve the family from financial hardship immediately, but it cannot be claimed as a matter of course, since it is not a vested right. The compassionate employment is only to mitigate hardship caused to the family of the deceased on account of his unexpected death while in service, only to alleviate the distress of the family

and at a belated stage as these grounds are no more in existence the employment cannot be given. Therefore, the writ petition is devoid of merit, as at this point of time there cannot be any direction to appoint the 2nd petitioner on compassionate grounds after 20 years from the date of the death of the deceased employee.

8. Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

December 21, 2017

Kv

Abhinand Kumar Shavili, J



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