

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Appeal No.1677 of 2017

% 09-11-2017

1. The State of A.P., Rep. by its Prl. Secretary,
Social Welfare (POA) Dept., Secretariat Bldgs.,
Velagapudi, Amaravathi, Guntur District, A.P.;
and 2 others

... Appellants

Vs.

\$ 1. Nethala Dhana Lakshmi, W/o Late N.Ranga Raju & Chinna,
Aged 55 years, Occ: Housewife, R/o Door No.2-31/2,
Chettunnepadu (V), Bhimadole (M), West Godavari Dist.;
and 2 others

... Respondents

! Counsel for the Appellants: Government Pleader for Social
Welfare (Andhra Pradesh)

Counsel for Respondents: Mr. M.R.K. Chakravarthy

< Gist:

> Head Note:

? Cases referred:
Nil.

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HON'BLE SRI JUSTICE M.GANGA RAO

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Judgment: (per V.Ramasubramanian, J.)

Challenging a direction issued by the learned single Judge in a writ petition filed by the respondents, for the grant of employment to the 3rd respondent herein, the State has come up with the above writ petition.

2. Heard the learned Government Pleader for Social Welfare (Andhra Pradesh) appearing for the appellants. Mr. M.R.K. Chakravarthy, learned counsel, takes notice for the respondents.

3. The respondents belong to the Scheduled Castes community. The husband of the 1st respondent, who was the father of the respondents 2 and 3 was murdered on 18-11-2013 and a prosecution was launched against the culprits, for alleged offences under Sections 120-B, 144, 148, 341, 342, 307 and 302 read with Sections 149 and 109 IPC together with Sections 3(1)(iv)(v) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Since the crimes committed in this case fall under the category of atrocities against Scheduled Castes and Scheduled Tribes, the members of their families became entitled to the grant of relief and rehabilitation. The Government contended that the respondents are entitled

only to monetary compensation and allotment of agricultural land and house in terms of G.O.Ms.No.22, Social Welfare (POA) Department, dated 16-6-2012. But the respondents wanted employment for one member of the family on the basis of a subsequent Government Order in G.O.Ms.No.95, Social Welfare (CV.POA) Department, dated 29-8-2016.

5. The learned single Judge found on facts that though the monetary compensation and the allotment of house-site and agricultural land, were in fact sanctioned, the respondents are yet to receive the monetary compensation as well as the land. It appears that very recently, monetary compensation has been sanctioned but insofar as the land is concerned, the Tahsildar has reported that no land is available.

6. In the light of such a factual position, the learned single Judge thought that the respondents should at least be provided employment to one member of the family, under the revised Government Order in G.O.Ms.No.95, dated 29-8-2016. Therefore, the State is before us.

7. Even today, there is no denial of the fact that the monetary compensation sanctioned to the respondents, has not reached them. No land has been allotted under the original Government Order. Therefore, the rejection of the contention of the State, that G.O.Ms.No.95, dated 29-8-2016, cannot be applied retrospectively to the respondents, appear to be in tune with the public policy that demanded the issue

of the Government Orders providing for certain welfare measures. We see no justification to interfere with the said decision of the learned single Judge. Hence, the writ appeal is dismissed. The miscellaneous petitions, if any, pending in this writ appeal shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

09th November, 2017.
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AND
HON'BLE SRI JUSTICE M.GANGA RAO

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(per VRS, J.)



09th November, 2017.
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