

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 35980 of 2017

Order:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

The case of the petitioner is that her mother who was working as un-skilled Labour in APGENCO died on 07.01.2010. The petitioner submitted a representation on 30.12.2010 seeking appointment on compassionate grounds. When her application was rejected on 23.07.2012 on the ground that the application was not received within the stipulated time of one year, she filed W.P.No.15898 of 2014 and the same was disposed of on 24.03.2015 directing the respondents to consider the case of the petitioner for appointment on compassionate grounds and pass appropriate orders within two months, as the other sister had given no objection for giving appointment to the petitioner. It appears that the application of the adopted son was also rejected on 23.07.2012 on the ground that the adoption had not taken place legally five (5) years prior to the date of demise of the employee as per the memo of the Board dated 25.10.1994. When the respondents did not consider the representation even after disposal of the Writ Petition by this Court on 24.03.2015 as aforesaid, the petitioner filed C.C.No.2377 of 2015 and when the said Contempt Case was pending, the respondents passed an order on 29.10.2016 rejecting the case of the petitioner stating that the husband of the petitioner is a Contractor and he received an amount of Rs.19,03,346/- from the department for the last five years and hence the petitioner is not entitled for compassionate appointment. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner submits that the husband of the petitioner is not a regular/registered Contractor and only completed small works of the Corporation.

Learned Standing Counsel for the respondents, on the other hand, submitted that the case of the petitioner was not considered only when she did not produce a certificate that the husband of the married daughter is unemployed and does not possess any immovable property or any means of livelihood.

In the instant case, since the petitioner did not produce such a certificate the case of the petitioner was not considered. The same is disputed by the learned counsel for the petitioner stating that a certificate to that effect was produced.

By that as it may, the petitioner is given two weeks time from the date of receipt of a copy of this order for production of the required certificate as stipulated in Memo No.JS(P)/DSE/AS(R&V)NT/PO.J/183/2011, dated 23.06.2011, if the petitioner had not submitted such certificate earlier or even if the petitioner had submitted a certificate earlier. On receipt of such certificate along with the representation, the respondents are directed to review the order dated 29.10.2016 and pass fresh orders in accordance with law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 22.11.2017  
Nsr