

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO
+ WRIT PETITION No.44087 OF 2017

Date:26.12.2017

Between:

%The Engineer-in-Chief (PR),
State of Telangana, Erramanzil Colony,
Hyderabad and others.

...Petitioners

Vs.

\$ D. Naga Padmasri W/ o. Late Laxman Rao,
Aged about 42 years, Occ: un-employee,
P/ o. H. No. 11-10-770/ 16, Paparthinagar,
Khammam, Khammam District.

... Respondent

! Counsel for Petitioners : Government Pleader for Services-II
(TG)

^ Counsel for Respondent : None appeared.

< Gist :

> Head Note :

? Cases Referred : 2012 (2) ALD 219 (DB)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.44087 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the direction issued by the Andhra Pradesh Administrative Tribunal to consider the case of the respondent herein for appointment on compassionate grounds only in the Nominal Muster Roll (NMR), the State has come up with the above writ petition.

2. Heard the learned Government Pleader for Services (TG).

3. The services of the husband of the respondent were engaged from the year 1992, in the Nominal Muster Roll. While working as NMR Work Inspector, the husband of the petitioner died in harness on 17.06.2014, after putting in service for a period of 22 years.

4. Even when he was alive, he filed an application in O.A. No.9079 of 2011 for the grant of minimum timescale of pay and he got the same allowed. The said order got confirmed up to Supreme Court.

5. After his death in harness, the respondent made a claim for compassionate appointment. But, it was rejected on the ground that her husband was employed only as NMR Work Inspector. Therefore, the respondent approached the Tribunal. The Tribunal allowed the application, by following the decision of a Division Bench of this Court in Sports Authority of Andhra Pradesh v. Yala Asirayya¹. Aggrieved by the said order, the State is before us.

6. All that the Tribunal did was only to direct the State to consider the claim of the respondent for appointment on compassionate

¹ 2012 (2) ALD 219 (DB)

appointment as NMR employee. The Tribunal did not issue a direction to provide employment to the respondent on a regular basis.

7. Though the Tribunal followed a decision of the Division Bench of this Court, which has no application to the facts of the case, it is an undisputed fact that the husband of the respondent worked as NMR employee for 22 years, before dying in harness. He was also paid the minimum of the timescale of pay along with the increments. Therefore, we find no justification to interfere with the order of the Tribunal.

8. Hence, the Writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

December 26, 2017
KTL

