

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.1647 of 2018

ORDER :

Heard the counsel for petitioners, and the learned Standing Counsel for Andhra Pradesh State Road Transport Corporation, for respondents.

2. One M. Rajesh, who was employed as a contract driver in the 1st respondent-Organization since June, 2010 died on 24.12.2013. The petitioners herein are his legal heirs. They seek payment of additional monetary benefit in lieu of compassionate appointment on the basis of Circular No.PD-148/1989 dt.13.11.1989.

3. Clause 4 of the said circular states that *'the Board also resolved that an employee who has been selected / recruited through proper channel and working on casual basis but not regularized and died in between, the dependents of deceased employees are also eligible for payment of additional monetary benefit'*.

4. The petitioners contend that through a regular process of selection, pursuant to a notification issued by the 1st respondent, the deceased was selected as a driver, but he was appointed on contract basis, and the other contract drivers who were appointed along with the deceased, were regularized on 23.01.2014 with effect from 01.09.2013; and if deceased had been alive he would have also been entitled for the said relief of regularization. They contend that as per

the Circular No.PD-148/1989 dt.13.11.1989, the petitioners are eligible to receive the additional monetary benefit which is presently a sum of Rs.1 lakh as per a Circular No.PD-12/2000 dt.11.02.2000, issued by the 1st respondent.

5. In the counter-affidavit filed by respondents, it is alleged that the Circular No.PD-148/1989 dt.13.11.1989 is contrary to a Memorandum of Settlement dt.03.08.2013 under Section 12(3) of the Industrial Disputes Act, 1947, entered into by the A.P.S.R.T.C. Employees Union with the 1st respondent.

6. The said Settlement deals with 'Bread-Winner Scheme', i.e., appointment on compassionate grounds and does not deal with payment of additional monetary benefit in lieu of compassionate appointment. It also does not annul the Circular No.PD-148/1989 dt.13.11.1989, issued by the 1st respondent. Therefore, the stand taken by respondents that petitioners are not eligible for additional monetary benefit since the engagement of the deceased was only on contract basis, cannot be accepted. In my considered opinion, the Circular No.PD-148/1989 dt.13.11.1989 would continue to operate.

7. The distinction sought to be drawn by the learned Standing Counsel for A.P.S.R.T.C. between '*casual labour*' mentioned in the Circular No.PD-148/1989 dt.13.11.1989 and '*contract worker*', like the deceased, in real terms, is misplaced in the present context for the reason that a benefit given to a 'Casual' employee cannot be denied to

a 'Contract' employee who had continually worked from June, 2010 without break till his death on 24.12.2013; particularly, when persons appointed along with the deceased were regularized on 23.01.2014. It is also not denied by the respondents that had the deceased been alive he would also have been given a similar benefit which was given to other contract drivers appointed along with the deceased.

8. Accordingly, the Writ Petition is allowed, and petitioners are entitled to additional monetary benefit in lieu of compassionate appointment, and the respondents are directed to pay the said amount within four (04) weeks from the date of receipt of copy of the order. No order as to costs.

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



JUSTICE M.S.RAMACHANDRA RAO

Date: 14.02.2018

Ndr/*