

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 3920 of 2018

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 17.10.2017 in O.A.No. 985 of 2017 passed by the A.P. Administrative Tribunal, Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, was dismissed.

The case of the petitioner is that his father, while working in police department, suddenly died on 17.01.2002 and his mother got job as Attender in Government Junior College, Ramagiri, Ananthapur District on compassionate grounds. His mother, after joining the post in July 2003, all of a sudden, became mentally depressed and immediately she was admitted in Government Hospital, Ananthapur, and the hospital authorities, after medical examination, certified that she was suffering from psychological depressive psychosis. It is also averred in the writ affidavit that the health of the petitioner's mother, due to lack of proper medical treatment, was deteriorating and ultimately she expired on 02.08.2012. After attaining majority, the petitioner made an application on 06.08.2014 to the 3rd respondent who forwarded it to the

2nd respondent on 13.08.2014, but the same was rejected on 28.08.2014.

As per the scheme of compassionate appointments, dependents of the government servants are eligible for being considered for appointment on compassionate grounds on the death of the employee while in service in order to mitigate the hardship caused to the dependants due to sudden loss of the bread winner. Compassionate appointment is also provided for the children of the Government servants who retire on medical invalidation five years prior to their actual date of retirement.

In the case on hand, the petitioner's mother was given appointment on compassionate grounds due to the death of her husband, however she did not perform her duties properly, as such, she was removed from service way back in December, 2006 and later she died in 2012. Thereafter, the petitioner approached the authorities concerned seeking appointment on compassionate grounds, however his case was not considered.

The learned counsel for the petitioner argued before the Tribunal and this Court as well that the petitioner's mother was removed from service when she was not in sound state of mind and without any enquiry as contemplated under relevant

Rules, as such, her removal from service, is illegal and arbitrary.

It is not in dispute that the removal of the petitioner's mother from service was not challenged before the competent authority but the petitioner's case before this Court is that his application for compassionate appointment was rejected on 28.08.2014.

Since the mother of the petitioner was already given appointment as Attender in Education Department on compassionate grounds and was removed from service in 2006 for the alleged lapses on her part, and subsequently she died in the year 2012, the petitioner's case does not fall under the scheme of compassionate appointment.

Hence, the writ petition is devoid of merit and the same is accordingly, dismissed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

07.02.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J