

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.12202 OF 2018

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged order dated 06.02.2017 passed in O.A.No.122 of 2017 by the Andhra Pradesh Administrative Tribunal at Hyderabad whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

2. The petitioner is the son of late Anwar Basha, who died on 07.05.2004 while working as Record Assistant. Therefore the petitioner who is son of Anwar Basha through his 2nd wife sought appointment in the Department on compassionate grounds.

3. The fact remains that late Anwar Basha has 1st wife living as well as 2nd wife and the 2nd wife is no other than the mother of the petitioner. Through 2nd wife, Anwar Basha has four children out of whom the petitioner is the eldest. The petitioner has filed O.A questioning notice in Rc.No.B2/175/2010 dated 25.09.2014 of the Deputy Commissioner of Commercial Taxes, Kadapa, wherein he was asked to submit Family Members Certificate/Legal Heir Certificate, No Earning Member Certificate and No Objection declarations from other family members including S.Satraj Begum (who is 1st wife of late Anwar Basha) duly attested by notary.

4. The petitioner contended before the authority that he is unable to obtain No Objection Certificate from Satraj Begum since she is not well disposed towards him and since the petitioner

fought litigation with Satraj Begum for retiral benefits etc., in Succession O.P.No.13 of 2004 on the file of Junior Civil Judge, Kadapa.

5. In addition to above, production of above three certificates is a condition precedent for any compassionate appointment. If the petitioner is not able to produce such certificates for any reasons, it is open to the petitioner along with all heirs to claim death compensation from the department for the death of Anwar Basha, under appropriate Government Order or Circular.

6. Moreover, since the petitioner has not submitted any application within one year of his father's death and other certificates required the case of the petitioner is rightly dismissed by the learned Tribunal vide order dated 06.02.2017 in O.A. No.122 of 2017.

7. Finding no merit in the instant petition and the same is accordingly dismissed. No order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 11-07-2018

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