

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

WRIT PETITION No. 16060 of 2018

ORAL ORDER: *(Per the Hon'ble Sri Justice Suresh Kumar Kait)*

Vide the present petition, petitioner has challenged order dated 22.02.2011 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.173 of 2010 whereby the application filed by the petitioner has been dismissed.

2. Case of the petitioner, in brief, is that she is first widow of late B. Appa Rao, who died on 23.02.1985 leaving behind herself (i.e., the first widow), second widow Mrs. B. Janaki and three children, namely, Mr. B. Ram Prasad, Mr. B. Geeta Prasad and Ms. B. Gayatri born to her husband and the second widow. The marriage of her husband with Mrs. B. Janaki (second widow) took place with the consent of the petitioner herself. At the time of her husband's death, the children were minors. She made a representation dated 05.05.1994 to respondent No.3 requesting for compassionate appointment to her son Mr. B. Ram Prasad, who is minor and studying SSC, after he attains the age of 18 years and after passing the SSC examination. Vide letter dated 16/18.08.1994, the petitioner was asked to send her application through proper channel. Accordingly, she sent an application for employment assistance to her first son through proper channel along with the required documents. Thereafter, an inquiry was conducted and the Inquiry Officer submitted his report dated 03.02.1998 to the respondents. Her application for compassionate

appointment was kept pending by respondent No.3 vide letters dated 16/18.08.1994 and 27.04.1994 and the matter was dropped without any reason. Therefore, she made an appeal to the respondents on 27.05.2000 which was replied to vide letter dated 10.08.2000 stating that employment assistance cannot be given to the ward of the second wife as the administration did not permit the second marriage and, as such, the marriage was void. Thereafter, the petitioner had sent mercy appeals dated 27.05.2000, 10.10.2004, 05.09.2006 and 15.12.2009 which were not replied to. Hence, she filed the aforementioned O.A. before the Tribunal.

3. It is not in dispute that the husband of the petitioner expired on 23.02.1985. Thereafter, the petitioner filed an application for compassionate appointment in the year 1994 and the same was rejected on 10.08.2000 by stating that the second marriage is not permitted. Subsequently, the petitioner has not taken any steps except making representations to the respondents one after and another and finally filed the O.A. in the year 2010 after 10 years of rejection of the applications, and the same was dismissed vide order dated 22.02.2011. The present writ petition is filed in the year 2018 after lapse of 7 years from the dismissal of the O.A.

4. On perusal of the order passed by the Tribunal, we find no illegality and perversity. Therefore, we are not inclined to interfere with the order.

5. In addition to the above, since the petitioner is surviving from 1985 till date i.e., for a period of 33 years, the benefit of compassionate appointment at this stage cannot be ordered in her favour.

6. The Writ Petition is accordingly dismissed. No order as to costs.

Consequently, miscellaneous applications if any pending in the writ petition shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

26th June, 2018
cbs



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(disposed of)

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