

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

W.P. No. 20412 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed assailing the order dated 04.01.2013 in O.A.No. 5469 of 2010 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed with the following observations:

“At the time of death of father of the applicant, he was only 9 years 10 months and 10 days and he became a major almost after nine years. In view of G.O.Ms.No. 687, GA (Services.A) Department, dated 03.10.1977 and Government Circular Memo No. 60681/ Ser.A/ 2003-1, GA (Ser.A) Department, dated 12.08.2003, a minor who is below 18 years of age and if such a minor attains the age of 18 years within two years from the date of death, the application for appointment will be considered for compassionate appointment. In the instant case, the applicant has attained the age of 18 years after nine years after the death of his father. Therefore, the said G.O and circular memo are applicable to him and he is not entitled to appointment on compassionate grounds. Further, the applicant suppressed the fact of filing of O.A.No. 6560 of 2004 before this Tribunal, wherein this Tribunal passed orders directing that the relief sought for by the second applicant i.e. the applicant herein cannot be considered for compassionate appointment since the applicant was approximately nine years old at the time of death of his father and compassionate appointment is only to provide immediate relief to the family of the deceased - Government employee. Therefore, at this point of time, the question of providing compassionate appointment does not arise. In view of

the orders passed in earlier O.A.No. 6560 of 2004, against the applicant approaching the Tribunal by filing the present O.A. amounts to *res judicata*. The judgments cited by the learned counsel for the applicant are not applicable to the present case.”

It is not in dispute that earlier, the petitioner filed O.A.No. 6560 of 2004, and the same was allowed by recording that the relief sought for by the 2nd applicant therein for compassionate appointment cannot be considered as the 2nd applicant was approximately 9 years old at the time of the death of his father and compassionate appointment is only to provide immediate relief to the family of the deceased – Government employee.

As stated by the learned counsel for the petitioner, the father of the petitioner expired on 22.11.1991 and at that time, the petitioner was nine years old, but the fact remains that as on the date of the order passed by the Tribunal i.e. 06.12.2004, the petitioner was 22 years old, and in spite of that the petitioner failed to challenge the order dated 06.12.2004 in O.A.No. 6560 of 2004. Thereafter, the petitioner filed the present O.A.No. 5469 of 2010 for the very same relief, and the same has been rightly dismissed by the Tribunal by recording that the present O.A. is hit by *res judicata*.

From the facts recorded above, the writ petition is devoid of merit and the same is accordingly, dismissed. No order as to costs.

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

SURESH KUMAR KAIT, J

19.06.2018

ABHINAND KUMAR SHAVILI, J

bcj

