

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28172 of 2010

Dated:31.01.2018

Between:

Smt Nerella Mary Matha,
W/o.Late Sri Nerella Bala Swamy,
B.C 'C', Aged 39 yrs, Occu : Unemployee,
R/o.Fathimapuram, Velagalapalli PO,
Chintalapudi Mandal, W.G.District.

.. Petitioner

And

The Government of Andhra Pradesh,
represented by its Principal Secretary,
General Administration Department,
Secretariat Buildings, Hyderabad & others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.28172 of 2010****ORDER:**

Heard learned counsel for petitioner and learned Government Pleader for Education (A.P.) appearing for respondent Nos. 2 to 4.

2. Husband of petitioner, while working as Secondary Grade Teacher (aided) in RCM Elementary School, Telesomavaram, Chintalapudi Mandal, West Godavari District, died on 29.08.2009, leaving behind his wife and two children. Petitioner claimed to have applied for compassionate appointment within one year of death of her husband. However, on 20.10.2004, Government imposed ban on creation/filling up of existing vacancies in aided posts. Therefore, appointment on compassionate grounds was not considered. Vide G.O.Ms.No.113, Education (SE.PS.I) Department, dated 06.10.2009, such scheme was revived in aided institutions. On 18.01.2010, petitioner was informed that she was provisionally selected for appointment as Junior Assistant on compassionate grounds and during the counselling held on 30.01.2010, she gave willingness. It appears that there was no further correspondence. In Government Memo No.20360/SE.PS.I/A1/2010, dated 09.06.2010, it is clarified that the orders in G.O.Ms.No.113, dated 06.10.2009, are prospective and applicable only from the date of issuance of the said G.O. i.e., 06.10.2009. In other words, the scheme for compassionate appointment was not extended to the

family members of the employees whose death occurred prior to 06.10.2009. Aggrieved thereby, this writ petition is filed.

3. When writ petition is taken up for consideration, learned counsel for petitioner produced copy of G.O.Ms.No.10, School Education (PS) Department, dated 25.01.2018. By this G.O., the Government, taking due note of representations made to extend benefit of compassionate appointment scheme to all those family members of the employees working in aided institutions, extended such benefit.

4. As scheme of appointment on compassionate grounds to the family members of the deceased employee working in aided institution is now extended duly relaxing Government Memo, dated 20.10.2004, by the orders of the Government in G.O.Ms.No.10, dated 25.01.2018, the grievance of the petitioner is answered.

5. Accordingly, the Writ Petition is disposed of, directing the respondents to consider the claim of the petitioner for appointment on compassionate grounds, if she is otherwise eligible, duly taking note of the orders in G.O.Ms.No.10, dated 25.01.2018. Such exercise shall be undertaken and completed within a period of two months from the date of receipt of copy of the order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P. NAVEEN RAO, J

31st January, 2018
Rds

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.28172 of 2010

Dated:31.01.2018

Rds