

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.25684 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.334 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'). Her grievance therein was with regard to the rejection of her case for compassionate appointment *vide* order dated 10.05.2017. By order dated 22.02.2018, the Tribunal dismissed the O.A. Aggrieved thereby, the petitioner is before this Court.

It is an admitted fact that the father of the petitioner, S.Suryanarayana, was an Assistant Commercial Tax Officer in the service of the State. He died on 02.01.2005 while in service. Upon his death, S.Mallikarjuna Rao, his son, was given compassionate appointment as an Attender in the office of the Commercial Tax Officer, Aryapuram, on 27.07.2005. However, S.Mallikarjuna Rao also expired on 18.10.2007. At that stage, the petitioner's mother and the petitioner submitted representations to the authorities seeking compassionate appointment of the petitioner. Ultimately, their request was rejected under the order dated 10.05.2017.

The Tribunal took note of the fact that the relevant Government Orders, viz., G.O.Ms.No.687, General Administration (Services-A) Department, dated 03.10.1977 and G.O.Ms.No.612, General Administration (Services-A) Department, dated 30.10.1991, did not provide for compassionate appointment of an elder sister and more so, a married elder sister. It is not in dispute that the petitioner is older than S.Mallikarjuna Rao and she is also married. As the petitioner did not come within the scope of

the compassionate appointment scheme, the Tribunal upheld the rejection of her case *vide* order dated 10.05.2017 and dismissed the O.A.

Having perused the relevant Government Orders, we find that G.O.Ms.No.612 dated 30.10.1991 specifically provided that only the younger brother/sister of the deceased Government Servant who remained unmarried could be considered for appointment under the compassionate appointment scheme provided there is no other earning member in the family. Though we are informed that there is no other earning member in the family, it is not in dispute that the petitioner does not fulfil the aforestated norm. If she was aggrieved thereby, she ought to have challenged the said Government Order but she did not choose to do so. In the absence of a challenge to the norms laid down by the Government, this Court cannot direct consideration of the petitioner's case for compassionate appointment contrary thereto. All the more so, when the employee died as long back as in October 2007, that is, 11 years ago. The order passed by the Tribunal therefore does not brook interference on any count.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

22nd OCTOBER, 2018

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