

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

WRIT APPEAL No.1319 OF 2014

JUDGMENT : (Per Hon'ble Sri Justice Sanjay Kumar)

The Tirumala Tirupati Devasthanams, Tirupati, and its Joint Executive Officer are in appeal against the order dated 23.06.2014 passed by a learned single Judge of this Court in W.P.No.19850 of 2011. The said writ petition was filed by the respondent herein assailing the Memo dated 29.03.2011 issued by the Joint Executive Officer of the Devasthanams refusing his request for absorption in the post of Assistant Technician in the Radio & Broadcasting Section of the Devasthanams. Having considered the matter on its merits, the learned single Judge set aside the impugned Memo dated 29.03.2011 and directed the Devasthanams to absorb the respondent/petitioner as an Assistant Technician Grade II in its Radio & Broadcasting Section.

By order dated 27.10.2014, this Court granted interim suspension of the order under appeal. I.A.No.7/2018 was filed by the respondent/petitioner to vacate the afore-stated order.

Heard Sri Y.Balaji, learned counsel appearing for the appellant-Devasthanams, and Sri T.Suryakaran Reddy, learned counsel representing Smt.T.Vanalatha Reddy, learned counsel for the respondent/petitioner.

The facts are not in dispute. The respondent/petitioner was appointed on 25.08.2001 as a Helper in the T.V.Wing of the Radio & Broad-casting Section of the Devasthanams, a Class-IV post. This compassionate appointment was made on the ground of medical

invalidation of his father, who worked as a barber in the Devasthanams. The respondent/ petitioner, however, sought absorption as an Assistant Technician in the Radio & Broadcasting Section, on the strength of his qualification. The said request was turned down by the Memo dated 29.03.2011 issued by the Joint Executive Officer of the Devasthanams, which was subjected to challenge before the learned Judge. Having perused the record, the learned Judge found that as per regulations, the post of Assistant Technician Grade-II would be equivalent to the post of Junior Assistant in terms of the scale of pay attached to these posts. Adverting to G.O.Ms.No.504 dated 30.07.1980, the learned Judge opined that a person aspiring for compassionate appointment would be eligible to be appointed to the post of Lower Division Clerk or an equivalent post thereto. The learned Judge also took note of the fact that 21 other persons who had been appointed as Class-IV employees on compassionate grounds had been given the benefit of the afore-stated G.O. and were provided appointment as Lower Division Clerks and Assistants. The learned Judge did not find merit in the submission made by the learned Standing Counsel for the Devasthanams that the post of Assistant Technician Grade-II could only be filled by way of promotion. It is on the strength of this reasoning that the learned Judge allowed the Writ Petition and directed the Devasthanams to absorb the respondent/petitioner as an Assistant Technician Grade-II in its Radio & Broadcasting Section.

Sri Y.Balaji, learned counsel, would contend that the cases of 21 other persons were not comparable to that of the respondent/petitioner as they were provided compassionate appointment on the ground of the 'death of the bread winner'. We

find no merit in this submission. Irrespective of whether the compassionate appointment was occasioned by the death of the earning member of the family or his medical invalidation, it would stand on par. Therefore, the benefit given to 21 other persons who were provided such compassionate appointments cannot be denied to the respondent/petitioner on this ground.

Another argument advanced by the learned counsel is that compassionate appointment could only be provided up to the post of Junior Assistant and not to that of an Assistant Technician Grade-II. Learned counsel, however, has no answer to the parity drawn between these two posts by the learned Judge on the strength of the pay scales attached to each of them. Perusal of the pay scales indicates that the scale of pay of an Assistant Technician Grade-II is Rs.9200-27000 whereas the scale of pay of a Junior Assistant is higher at Rs.9460-27700. Therefore, the post of Assistant Technician Grade-II cannot be said to be higher than the post of Junior Assistant.

On above analysis, we find no error having been committed by the learned Judge warranting interference in appeal. The Writ Appeal is accordingly dismissed. Interim order dated 27.10.2014 shall stand vacated.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

11th September, 2018
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