

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28967 OF 2018

Date: 17.08.2018

Between:

Mohammed Fareed, s/o. Yaseen, Aged about 39 years,
Occu: Un-employee, R/o. Qazimadpally village,
Srirampur mandal, Karimnagar District, Telangana
State.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Revenue Department, Secretariat Buildings,
Hyderabad, Telangana State and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that his father was worked as Village Revenue Officer. As his father was sick, between the years 1998 and 2005, he was discharging the functions of Village Revenue Officer in the place of his father. After death of his father in the year 2015, petitioner applied for provision of employment as Village Revenue Officer in the place of his father. Said application of petitioner was rejected by an endorsement dated 31.03.2015. In support of his decision, the District Collector referred to the method of recruitment prescribed in the present Rules governing the post of Village Revenue Officer notified vide G.O.Ms.No.39 Revenue (Village Administration) Department, dated 11.01.2008.

2. Learned counsel for petitioner placed reliance on the earlier orders issued to contend that as dependent of ex-Village Revenue Officer, petitioner is entitled to be appointed as Village Revenue Officer by way of nomination after death of his father.

3. It is not in dispute that father of petitioner died after his retirement from service and by the time of his death, new Rules are in force. No administrative instructions contrary to these rules can be sought to be enforced. Rule 3 of the Andhra Pradesh Village Revenue Officers Service Rules (Rules), deals with method of appointment. Petitioner is not fitting into the method of appointment as prescribed in the Rules, to be appointed. Rule 14 of the Rules provide for appointment of spouse or dependent of deceased Village Revenue Officer. However, according to clause-(1)

of Rule 14, person is entitled to such appointment and continue till the employee in whose place he is appointed was to attain the age of 58 years, provided the candidate possess the educational qualifications. This clause is not attracted as father of petitioner died after his retirement from service.

4. Even otherwise appointment on compassionate grounds can be considered only if an employee died while in service and the family is in destitute circumstances subject to fulfillment of conditions of scheme of compassionate appointment. Furthermore, order of rejection was dated 31.03.2015 and this writ petition is filed after three and half years. There is no explanation as to why petitioner took three more years to institute the writ petition challenging the rejection of his application.

5. For all the aforesaid reasons, writ petition is liable to be dismissed and is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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