

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21863 OF 2010

DATED : 30.01.2018

Between :

K.Hanumantha Rao S/o.Late K.Appa Rao,
Aged 29 yrs, Occu : Office Subordinate (Attender),
B Section, D.E.O's Office, Eluru,
W.G.District & another.

.. Petitioners

And

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

.. Respondents



This court made the following :

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ORDER :

Father of the first petitioner while working as night watchman in SMS Sanskrit High School, (aided institution), Kovvur, died on 02.01.2006. On 08.03.2006, the first petitioner submitted application to provide employment on compassionate grounds.

2. Father of the second petitioner while working as Grade-I Telugu Pandit in SPM Night High School (aided institution) Jinnur, Poduru Mandal, West Godavari District, died on 22.05.2008. The second petitioner submitted application on 13.02.2009 to grant appointment on compassionate grounds. Petitioners were appointed on compassionate grounds as office subordinates vide orders dated 25.11.2009 and 24.01.2010 respectively and have been working in Government service.

3. Vide order of the Government in G.O.Ms.No.113 dated 06.10.2009 the scheme of compassionate appointment is introduced in aided institutions also. The compassionate appointment granted in favour of the petitioners is in tune with the policy of Government. However, vide order dated 09.06.2010 Government clarified that scheme notified vide G.O.Ms.No.113 dated 06.10.2009 is operative only from the date of issuance of G.O. In view of said clarification apprehending that their services may be terminated, petitioners filed this writ petition.

4. This Court by order dated 02.09.2010 made in W.P.M.P.No.27812 of 2010 granted interim direction as prayed taking note that petitioners were already appointed and working.

5. During pendency of this writ petition, Government issued order in G.O.Ms.No.10 School Education (P.S) Department dated 25.01.2018 extending the scheme of compassionate appointment to aided institutions covering the period from 20.10.2004 to 05.10.2009. Thus, scheme is applicable to petitioners also.

6. However, while G.O.Ms.No.113 granted appointments even in Public Service, the present order restricts the employment only in aided institutions, that too in the first instance in the same institution. Having regard to this order of the Government, learned counsel for the petitioners submit that protection may be granted to the petitioners with reference to government service, having regard to the fact that petitioners have been working since 2009 and 2010 respectively and have rendered considerable service.

7. Learned Assistant Government Pleader opposes such plea by placing reliance on the order of the Government in G.O.Ms.No.10 and submitted that appointments made to the petitioners was illegal and therefore petitioners cannot claim continuation in Government employment.

8. In view of the orders of the Government in G.O.Ms.No.10 the substantive prayer of the petitioners stand resolved. However, this order now restricts appointments only in aided institutions, where as petitioners were granted employment in government service in accordance with the policy notified by the Government in

G.O.Ms.No.113. Further their appointments were made prior to the memo issued by the Government on 09.06.2010.

9. Having regard to these facts, the Court is inclined to hold that the petitioners are entitled to continue in Government service and be granted all consequential benefits as Government employees notwithstanding the order of the Government in G.O.Ms.No.10 with reference to employment in aided institutions.

10. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

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

30th January, 2018
Rds

P.NAVEEN RAO,J

