

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8931 OF 2015

ORDER:

1. This writ petition is filed challenging the proceedings dated 1.11.2014 issued by the respondents rejecting the representation of the petitioner for his appointment as Junior Assistant in Tirumala Tirupati Devasthanam, Tirupati, and seeking a direction to the respondents to appoint the petitioner as Junior Assistant in Tirumala Tirupati Devasthanam, Tirupati from the date of his initial appointment on compassionate grounds.

2. Heard Sri P. Govind Reddy, learned Counsel for the petitioner and Smt. K. Lalitha, learned Standing Counsel for TTD.

3. It is the case of the petitioner that his father was employed with the respondents and he expired on 22.6.2008 while discharging his duties with the respondents and thereafter, the petitioner submitted a representation to the respondents on 15.1.2009 to consider his case for appointment on compassionate grounds and thereafter, the petitioner submitted another representation on 18.8.2009 bringing to the notice of the respondents that the petitioner is pursuing his graduation and therefore, his case may be considered in appropriate post. The petitioner submits that the respondents

were pleased to consider his case for appointment on compassionate grounds and appointed him as assistant/shroff in TTD vide proceedings dated 13.10.2009. The grievance of the petitioner is that though the petitioner is pursuing his degree qualification, the petitioner ought to have been appointed as junior assistant by giving reasonable time to him to acquire the qualification required to the post of assistant as it was done in the case of several other individuals viz., one Muni Venkatesh. The petitioner submitted a representation to the respondents to consider his case for appointment as junior assistant by giving reasonable time to acquire requisite qualification for the post of junior assistant as it was done in the case of Sri Muni Venkatesh, but the respondents have rejected the case of the petitioner vide proceedings dated 1.11.2014, and challenging the same, the present writ petition is filed.

4. The learned Counsel for the petitioner submits that the State Government was pleased to issue certain clarifications in respect of compassionate appointments vide G.O.Ms.No.577 General Administration (Services.A) Department, dated 29.12.1993, wherein the State Government had taken a decision to grant three years period to acquire intermediate qualification and 5 years period for acquiring degree qualification to the candidates to be appointed on compassionate grounds as junior assistants. The learned

Counsel for the petitioner further contends that the benefit of G.O.Ms.No.577, dated 29.12.1993 was extended in respect of Muni Venkatesh vide proceedings dated 23.12.2009 whereas the respondents denied the said benefit to the petitioner and appointed him as assistant/shroff instead of appointing him as junior assistant. He further contends that the petitioner acquired degree qualification during pendency of this writ petition during 2012 within a period of five years and therefore, the case of the petitioner can be considered for appointment as junior assistant instead of shroff and therefore, appropriate orders may be passed in this writ petition directing the respondents to re-consider the case of the petitioner for appointment as junior assistant by duly setting aside the impugned rejection order dated 1.11.2014 by duly taking into account the proceedings dated 23.12.2009 issued in respect of Muni Venkatesh and also G.O.Ms.No.577, dated 29.12.1993.

5. The learned Standing Counsel for the respondents contends that the case of the petitioner was considered for the post of Assistant and Shroff as there were no vacancies in the cadre of Junior Assistant and therefore, the question of considering the case of the petitioner for appointment as junior assistant from the date of initial appointment would not arise and that there are no merits in this writ petition and the writ petition is liable to be dismissed.

6. This Court having considered the rival submissions made by the parties is of the view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for appointment as junior assistant as it was done in the case of Muni Venkatesh vide proceedings dated 23.12.2009 whereby the benefit of G.O.Ms.No.577, dated 29.12.2003 was extended in respect of Muni Venkatesh.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner afresh for appointment as junior assistant as it was done in the case of Muni Venkatesh vide proceedings dated 23.12.2009 whereby the benefit of G.O.Ms.No.577, dated 29.12.2003 was extended in respect of Muni Venkatesh, without being influenced by earlier rejection order dated 1.11.2014 and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 28.12.2018
Nn.

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28/12/2018

Nn.