

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HON'BLE SRI JUSTICE M. GANGA RAO

+ W.P.NO.45081 of 2017

% Date: 03-01-2018

Between:

The Bhimavaram Municipality,
Rep. by its Commissioner,
Bhimavaram, West Godavari District.

.... Petitioner

And

1. Smt. Durga Bhavani, D/o. Late M. Padmavathi, R/o. D.No.15-5-70,
Municipal Workers Colony, Bheemavaram, West Godavari District.
2. The State of A.P., rep. by its Principal Secretary, MA & UD
Department, Secretariat Buildings, Velagapudi, Guntur.
3. The Commissioner and Director of Municipal Administration,
Belagapudi Guntur.

... Respondents

! Counsel for the Petitioner : Mr. Venkateswarlu Nimmagadda

^ Counsel for Respondents : G.P. for M.A & U.D

< GI ST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION NO.45081 of 2017

ORDER: (Per VRS,J)

Aggrieved by the direction issued by the A.P. Administrative Tribunal to give compassionate appointment to the 1st respondent herein, the Bhimavaram Municipality has come up with the above writ petition.

2. Heard Mr. Venkateswarlu Nimmagadda, learned Standing Counsel for the Municipality.

3. The case on hand is a very pathetic one. The 1st respondent's father, who was employed as public health worker in the petitioner-Municipality, died in harness in 1997. The 1st respondent's mother, who got appointed as public health worker, subsequently on compassionate ground, also died in harness on 14.06.2001.

4. Admittedly at the time of death of the 1st respondent's mother, the 1st respondent was just 10 years old. Therefore, she claims to have made a representation on 02.11.2009 after attaining majority, seeking appointment on compassionate grounds. The 1st respondent also filed O.A.No.8066 of 2012 on the file of the A.P. Administrative Tribunal and the Tribunal gave an interim direction on 10.10.2012 to consider her case.

5. Pursuant to the interim directions, the Municipality considered the case of the 1st respondent and rejected the same by an order dated 02.11.2012 on two grounds, viz., (a) that no representation dated 02.11.2009 was received by the Municipality; and (b) that as per the Government Memos and instructions, applications for compassionate appointment should be made within one year from the date of death.

6. Challenging the said communication, the 1st respondent filed a second Original Application in O.A.No.2975 of 2014, since her first application O.A.No.8066 of 2012 was closed by the Tribunal immediately after speaking orders were passed. The second application O.A.No.2975 of 2014 was allowed by the Tribunal forcing the Municipality to come up with the above writ petition.

7. The grievance of the Municipality is two fold, viz., (a) that the Municipality did not receive any application on 02.11.2009; and (b) that an application for compassionate appointment should be submitted within one year, as per the rules in force.

8. Both the above grievances are wholly unsustainable. The 1st respondent claimed in O.A.No.8066 of 2012 that she made an application for compassionate appointment on 02.11.2009. Even according to the birth certificate of the 1st respondent, she would have just attained majority or on the verge of attaining majority. Therefore, she cannot be expected to take an acknowledgement from the officers in the Municipality.

9. The one year period cannot be put against the 1st respondent, since she was just 10 years old at the time of the death of her mother.

10. The 1st respondent's father died in harness in 1997 and the compassionate appointment granted to the mother also did not survive for long, as the mother died within four years, on 14.06.2001 leaving a 10 year old daughter. If compassionate appointment is not meant for cases of this nature, it is better that such schemes are scrapped by the Municipality and the Government. Therefore, we find absolutely no justification for the Municipality to come up with a writ petition in respect of such orders. Hence the writ petition is dismissed.

11. As a sequel, miscellaneous petitions pending in these writ petitions, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J.

M. GANGA RAO, J.

3rd January, 2018
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

W.P.NO.45081 of 2017



3rd January, 2018

Js.