

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.18722 of 2019

Date : 28.8.2019

Between:

P Jayamma D/o Late Venkataiah Lineman Operation Section
Ieeza ID No 1055848 W/o P Nagaraju Goud aged about 40
years Occ Unemployee R/o Danthanoor Village Mandal
Madanapur Wanaparthi District Telangana State

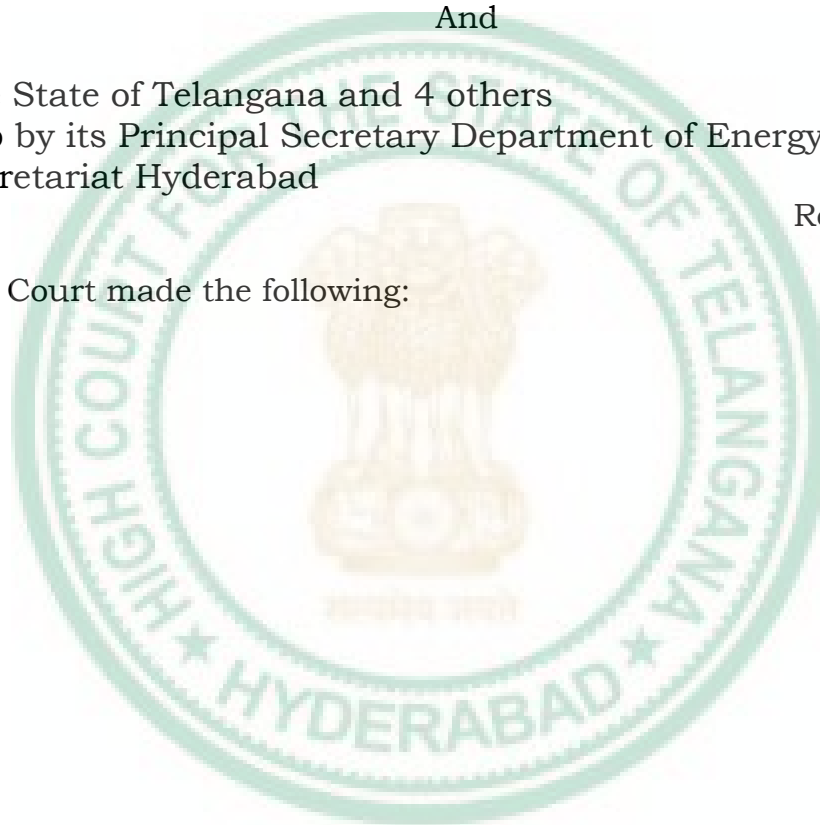
Petitioner

And

The State of Telangana and 4 others
Rep by its Principal Secretary Department of Energy
Secretariat Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard both sides.

2. Petitioner claims that her father died on 21.5.2011 while working as Lineman in the respondent company; her mother pre-deceased her father and later her father married one Sivalakshmi and begot a female child; that there is no male child in her family; her father executed a registered will dated 20.4.2010 stating that after his death, petitioner should be given employment, monthly pension should be enjoyed by her step mother Sivalakshmi and other benefits shall be distributed in two equal parts.

3. Earlier petitioner submitted representation 1.11.2011 to grant appointment on compassionate grounds. Alleging inaction on the representation and placing reliance on the registered will, petitioner filed WP 4995 of 2012. This Court held that there cannot be a mention of provision of employment in a will and will would be only with reference to bequeathing of movable and immovable properties. Therefore, Court directed consideration of the representation, if petitioner is otherwise entitled to.

4. Thereafter, petitioner instituted O.S.No. 158 of 2014 on the file of the Senior Civil Judge, Wanaparthy praying to grant declaration that she is entitled to get job under compassionate grounds and half of

the pensionary benefits. The said suit was decreed on 1.2.2018 in favour of petitioner.

5. According to learned counsel for petitioner, petitioner filed E.P. No. 59 of 2018 and the same is pending in the said Court. While so, by order dated 19.1.2019 claim of the petitioner was rejected. The order refers to decree passed by the trial Court and then goes on to reject the claim of the petitioner.

6. Petitioner invoked the jurisdiction of civil Court, obtained decree to provide employment on compassionate grounds. Thus, claim of petitioner to provide employment flows out of decree granted by civil Court. If respondents violate the decree, she has to seek enforcement of the decree and rightly she filed Execution Petition and the same is pending consideration of the trial Court. Therefore, petitioner cannot simultaneously invoke the jurisdiction of this Court and prosecute her grievance before two different forums. Impugned order dated 19.1.2019 per-se cannot give a fresh cause of action to the petitioner to institute this writ petition, as the decision made therein is consequent to the decree passed by the trial Court. Thus, leaving it open to the petitioner to prosecute the pending Execution Petition, writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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