

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20801 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation and Command Area Development for the respondents.

2. Petitioner claims to be the son of Late I. Balaji, who was working in NSC Monitoring Sub-Division, Tekulapally, Khammam District. I. Balaji died on 31.01.2002 while in service. His wife also died on 20.05.2002. Petitioner claims that he is entitled to be provided employment on compassionate grounds due to death of I. Balaji.

3. According to learned counsel for the petitioner, sister of the petitioner is mentally retarded and he therefore requires to look after his sister.

4. Learned counsel for the petitioner sought to contend that earlier petitioner made representations and in the year 2015, he submitted legal heir certificate claimed to have been issued on 02.05.2002 showing his name. Learned counsel for the petitioner further submits that in the earlier legal heir certificate, there was a mistake and therefore it was cancelled. He further submits that though a new legal heir certificate was issued on 02.05.2002, wherein the name of the petitioner was reflected, the request of the petitioner for appointment was erroneously rejected.

5. Vide letter dated 23.02.2015, petitioner was informed that in the photocopy of legal heir certificate produced by him, the writing was different and therefore requested him to furnish a valid legal heir certificate. From the material on record, it appears that for the first time on 19.12.2013, petitioner made a representation. A reading of the same does not show that earlier also he made similar representations.

6. From a reading of the order impugned, it is apparent that after death of the employee and his wife, the Village Sarpanch and Tahsildar reported that Indrapally Sirisha, daughter of the deceased employee, was mentally retarded and that there was no family member to look after her and therefore a request was made to sanction pension to her but payable to her guardian Sri Indrapally Jeevaratnam and accordingly the family pension was sanctioned in her name. A reading of the order would further show that after long lapse of time, petitioner started setting up a claim to provide employment to him on compassionate grounds by claiming that he is the son of late employee.

7. There are two aspects to be noted. Firstly, the claim of the petitioner as legal heir of late employee and secondly, even assuming that petitioner is legal heir, fact remains that the employee died on 31.02.2002. It appears petitioner has not produced authentic family member certificate. Further, claim for appointment on compassionate grounds is not a matter of right and providing employment depends on various factors. It cannot be said that after 17 years of death of the employee still the dependant is in destitute circumstances and requires appointment

on compassionate grounds. Therefore, I do not see any error in the decision arrived at by the authority warranting interference by this Court.

8. The Writ Petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:24.09.2019

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