

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.2362 OF 2020

Date: 06.02.2020

Between:

Bandam Rambai w/o. late Poshireddy,
Aged about 68 years, occu: Housewife,
r/o. Q.No.298, V Zone, Kalyanikhan
Mandamarri, District Mancheri and
another.

.... Petitioners

and

The State of Telangana, rep.by its Prl.Secretary
(Political), General Administration Department,
Secretariat, Hyderabad and others.

.... Respondents



The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard Mr. B.H.R. Choudary learned counsel for petitioners and learned Government Pleader for Services-III for Government Pleader for respondents.

2. According to petitioners, son of 1st petitioner and brother of 2nd petitioner, by name, Bandam Mohan Reddy, was killed in extremists violence on 01.02.1992. Petitioner No.2 claims employment on compassionate grounds on the ground that his brother was killed by extremists, by placing reliance on the orders of the Government notified vide G.O.Ms.No.504, General Administration (SCA) Department dated 11.08.2008, extending the scheme of compassionate appointment to the family members of the person killed in extremist violence prior to 26.02.1996. The request of petitioner was rejected by order dated 15.10.2019, impugned in this Writ Petition.

3. From the reading of the order impugned in the Writ Petition, it is seen that rejection was on three grounds; firstly, the deceased was married before the death occurred to him. It is seen from the order in G.O.Ms.No.504, dated 11.08.2008, the scheme of compassionate appointment as applicable to the Government service is extended. In terms thereof, after a person marries, the family would comprise of spouse and their children, and in such a case, others in the family tracing relationship through the parents of the employee are not entitled to claim benefit of compassionate appointment. Thus, as deceased was already married, 2nd petitioner as brother of deceased person cannot claim

employment. He sought to claim employment on the ground that after the death of Bandam Mohan Reddy, his wife left the family and later married another person. This has no significance.

4. Second reason assigned for rejection was, assuming that petitioner is entitled for the benefit, application to extend the benefit of the scheme was made after long lapse of time. Petitioner No.2 admitted before the competent authority that he did not have any proof of making such application earlier. Therefore, the competent authority has viewed the application submitted in the year 2019 as highly belated. No exception can be made to such view. Provision of employment in matters of this nature is to provide succour to the family members who have suffered due to illegal actions of extremist groups. The brother of 2nd petitioner died on 01.02.1992, whereas application was made in the year 2019.

5. The third reason assigned for rejection was, on death of late Bandam Mohan Reddy, an amount of 25,000/- was paid to the family. The scheme envisages providing employment or other financial benefits. Thus, both benefits cannot be claimed.

6. These three reasons assigned for rejection of claim, in the facts of this case, cannot be said as erroneous or amounting to arbitrary exercise of power warranting interference by this Court. There is no merit in the writ petition and is accordingly dismissed. Pending miscellaneous petition shall stand closed.

JUSTICE P.NAVEEN RAO

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