

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 29444 OF 2013

Between:

1. The Government of Andhra Pradesh, Rep. by its Principal Secretary, I & CAD Department, A.P., Secretariat, Hyderabad.
2. The Superintending Engineer, I & CAD Department, FFC Circle No.2, L.M.D.Colony, Karimnagar District.
3. The Executive Engineer, I & CAD Department, Division No.4, K.N.R. Project, Kaddam, Adilabad District.

...PETITIONERS

AND

1. Gadapa Kanaka Swamy, Unemployee, R/o. Peddur, Kddam, Adilabad District
2. The Hon'ble AP Administrative Tribunal, Purani Haveli, Hyderabad, represented by its Registrar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records relating to the orders of the Hon'ble AT. Administrative Tribunal, Hyderabad passed in O.A. No. 298/2010 dated 17-04-2013 and quash the same as being perverse, erroneous, illegal and unreasonable and contrary to law.

I.A. NO: 1 OF 2013(WPMP. NO: 36582 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the orders of the A.P. Administrative Tribunal, Hyderabad passed in O.A.No.298/2010 dated 17-04-2013 pending disposal of the Writ petition.

IA NO: 1 OF 2020

Between:

Gadapa Kanaka Swamy. S/o. Late Eeswaramma, Age about 48 years, R/o.
Peddur, Kaddam, Adilabad District (Now Kaddam in Nirmal District – 504202)

...PETITIONER/RESPONDENT No.1

AND

1. The Government of Andhra Pradesh, Rep. by its Principal Secretary, I & CAD Department, A.P., Secretariat, Hyderabad.
2. The Superintending Engineer, I & CAD Department, FFC Circle No.2, L.M.D.Colony, Karimnagar District.
3. The Executive Engineer, I & CAD Department, Division No.4, K.N.R. Project, Kaddam, Adilabad District.

...RESPONDENTS/PETITIONERS

4. The Hon'ble AP Administrative Tribunal, Purani Haveli, Hyderabad,
represented by its Registrar.

...RESPONDENT/RESPONDENT No.2 in main WP

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim suspension granted on 10/10/2013 in W.P. M.P No 36582/2013 in W.P. No 29444/2013 and also dismiss the W.P. No 29444/2013 with costs in the interest of justice.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondents: SRI M. BHARAT SHAH

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.29444 of 2013

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioners under Article-226 of the Constitution of India seeking a Writ of Certiorari calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.298 of 2010, dated 17.04.2013 and to quash the same.

2. Heard the learned Government Pleader for Service-I, appearing for the petitioners and Mr. M. Bharat Shah, learned counsel for the 1st respondent.

3. Learned Government Pleader contended that the 1st respondent has approached the Tribunal seeking consideration of his case for appointment on compassionate grounds while his representations, dated 17.02.2019 and 12.03.2019 were pending with the petitioners and that the Tribunal without appreciating

any of the contentions raised by the petitioners allowed the O.A and directed the petitioners to consider the case of the 1st respondent for appointment on compassionate grounds, in relaxation of the Rule of limitation of one year period prescribed under the scheme.

4. Learned Government Pleader has further contended that the 1st respondent's brother was given compassionate appointment as attender, but having found that he did not possess requisite qualification and as he was appointed in excess to the quota, his services were terminated with a direction to him to submit a fresh application seeking compassionate appointment in a lower post. He has further contended that the 1st respondent's brother has expired even before submission of such application and that considering the 1st respondent's brother for compassionate appointment would not arise as the application for compassionate was not made within the prescribed period of one year. Therefore, appropriate orders be passed in the writ petition

by setting aside the orders passed by the Tribunal in O.A.No.298 of 2010, dated 17.04.2013 and allow the writ petition.

5. On the other hand, learned counsel for the 1st respondent has contended that there was a delay in making representation seeking compassionate appointment and the Tribunal has merely allowed the O.A directing the petitioners to consider the case of the 1st respondent in relaxation of the Rule of limitation of one year under the scheme and the petitioner instead of considering the case of 1st respondent has filed the present writ petition and obtained stay of Tribunal's order. Therefore, the Tribunal was justified in allowing the O.A. in favour of the 1st respondent, there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal was justified in allowing the O.A in favour of the 1st respondent. The Tribunal had merely directed the petitioners to consider the case of the 1st respondent as per the scheme, which contemplates

compassionate appointment. The only issue in the present case is that the petitioners have to examine the delay by relaxing certain terms in the scheme. Therefore, the Tribunal was justified in allowing the O.A in favour of the 1st respondent. Therefore, this Court is not inclined to interfere with the orders passed by the Tribunal.

7. With these observations, the Writ Petition is dismissed. No costs.

8. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to Sri M. BHARAT SHAH, Advocate [OPUC]
3. Two CD Copies

BN
GJP

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HIGH COURT

DATED:20/02/2023

ORDER

WP.No.29444 of 2013



DISMISSING THE WRIT PETITION
WITHOUT COSTS

BS
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17/3/23
[Signature]