APHC010578542023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3573]**
(Special Original Jurisdiction)

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 29939/2023

Between:

M CHAKRADHARI, S/O. LATE SHRI M. KRISHNA MOHAN, AGED ABOUT 34 YEARS, OCC UNEMPLOYEE R/O.D.NO.39-498/, ROAD NO.22, VIVEKANANDA NAGAR, OM SHANTHI ROAD, KADAPA, KADAPA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE GOVERNMENT OF INDIA, REPRESENTED BY ITS PRINCIPAL SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, NEW DELHI.
2. THE EMPLOYEES PROVIDENT FUND ORGANISATION, MINISTRY OF LABOUR AND EMPLOYMENT, REP BY ITS REGIONAL PROVIDENT FUND COMMISSIONER, RAILWAY STATION ROAD, KADAPA-516 004, A.P.

...RESPONDENT(S):

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 an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, to declare that the proceedings No. AP/RO/KDP/ADM-1/Compassionate and MCD/2023, dt. 10-01-2023 of the Respondent No.2 in rejecting the Application of the Petitioner for appointrnent on Compassionate ground is deliberate, intentional, illegal, arbitrary,

untenable, unsustainable, against the law as well as Principles of natural justice, and consequently set aside the same, and direct the Respondents to consider and appoint the Petitioner in any suitable post for Compassionate appointment in the Respondent No.2 Organisation, and pass

IA NO: 1 OF 2023

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 pleased to directed the Respondent to kept vacant one post for the Petitioner for appointment on Compassionate, and pass

IA NO: 1 OF 2026

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 May be pleased to grant leave to the petitioner in W.P.No. 29939 of 2023 to file the Reply Affidavit in the above Writ Petition and pass

Counsel for the Petitioner:

1. K B RAMANNA DORA

Counsel for the Respondent(S):

1. M UMA DEVI (CENTRAL GOVT COUNSEL)
2. T BALAJI(SC FOR EPFO)

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> "…to issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, to declare that the proceedings No.AP/RO/KDP/ADM-1/Compassionate and MCD/2023, dt. 10-01-2023 of the Respondent No.2 in rejecting the Application of the Petitioner for appointment on Compassionate ground is deliberate, intentional, illegal, arbitrary, untenable, unsustainable, against the law as well as Principles of natural justice, and consequently set aside the same, and direct the Respondents to consider and appoint the Petitioner in any suitable post for Compassionate appointment in the Respondent No.2 Organisation, and pass such other order……"

2. Grievance of the petitioner is that the mother of the petitioner filed an application dated 18.04.2016 for providing compassionate appointment to the petitioner, in view of the death of petitioner's father on 29.12.2015, but the same was rejected on the ground that rules are not permitting and the parameters are also not meeting out to consider.

3. It is further case of the petitioner that, once again, he made an application on 21.01.2022, seeking to reconsider his case, the same was rejected, *vide* orders dated 10.01.2023, which is impugned in the present writ petition, on the ground that he is not meeting the required score as per the policy. However, the reason was not mentioned and the criteria for such evaluation is also not mentioned.

4. The respondent filed a counter with supplementing reasons in the counter that out of 100 points, the petitioner secured 31 points only, which is below the benchmark level i.e., 50 points set by HO Circular, dated 23.07.2020. However, the counter is silent with regard to such evaluations,

which the petitioner was given any opportunity to place relevant material before the authorities concerned or not. The impugned order speaks no reason. However, now the respondents have come up with reasons in the counter affidavit.

5. It is settled law that as the order is under challenge suffers from lack of reasons; the same cannot be substituted through affidavit or counter affidavit at the later point of time. The validity of the order has to be decided on the reasons mentioned therein, but not on the subsequent pleadings in the affidavits filed in support of the said order.

6. In view of the above, the order impugned in the writ petition is liable to be set aside. The matter is remand back to the authorities concerned to consider and pass appropriate orders on the application of the petitioner, strictly in terms of the policy of the Department, within a period of three (3) months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions if any, shall stand closed.

_____

JUSTICE BALAJI MEDAMALLI

Dated: 10.11.2026
KRS

112

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

Writ Petition No. 29939 of 2023

(ORDER)

Date: 10.11.2026

KRS