

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

**TUESDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 14449 OF 2019

Between:

N.Priyanka, D/o Late N.Nagaiah, aged 23 years, Occ ; Unemployee, R/o Etigadda Kistapur Village Thoguta, Siddipet District.

.....PETITIONER

AND

1. The Southern Power Distribution Company of Telangana Limited (SPDCL), rep by its Chairman and Managing Director, Mint Compound, Hyderabad- 500 063.
2. The State of Telangana, rep. by its Principal Secretary, Energy Department, Secretariat, Hyderabad.500022.
3. The Superintending Engineer, Southern Power Distribution Company of Telangana Ltd. Siddipet.

.....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 Mandamus declare the action of the respondents in rejecting the petitioners case for compassionate appointment vide impugned Memo No.CGM(HRD)/GM(Per.)/AS(P and S)/PO-H/177-H1/2013, dated 16-04-2018, without giving age relaxation on par with others as highly illegal, arbitrary and discrimination and consequentially this Honorable Court may pleased to direct the respondents herein to consider the petitioners case for compassionate appointment in any suitable post by giving necessary relaxation of age on par with others, by set aside the impugned Memo dated 16-04-2018.

I.A.NO:1 OF 2019

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 direct the respondents herein to consider the petitioner's case for compassionate appointment in any suitable post suitable post by giving necessary relaxation of age on par with others following the Division Bench order in WP.No.26184/2011, dt.20-9-2011 pending disposal of the above writ petition.

Counsel for the Petitioner : SRI M.R.TAGORE

**Counsel for the Respondent Nos.1 & 3 : SRI N.SREEDHAR REDDY, SC FOR
TELANGANA STATE SOUTHERN POWER DISTRIBUTION COMPANY**

Counsel for the Respondent No.2 : AGP FOR ENERGY

The Court made the following ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.14449 OF 2019

DATED: 03.02.2026

Between:

N. Priyanka

... Petitioner

AND

The Southern Power Distribution Company of Telangana Limited
(SPDCL) and 2 others

... Respondents

ORDER

This Writ Petition is filed challenging the memo No.CGM(HRD) /GM(Per.)/AS(P&S)/PO-H177-H1/2013, dated 16.04.2018, whereby the case of the petitioner for compassionate appointment was rejected on the ground that she had not completed 16 years of age as on the date of the death of her father.

2. Heard learned counsel for the petitioner, Sri N. Sreedhar Reddy, learned Standing Counsel for Telangana State Southern Power Distribution Company appearing for respondents No.1 & 3 and learned Government Pleader for Energy appearing for respondent No.2 and perused the entire material on record.

3. Brief facts leading to the filing of the present Writ Petition are that the petitioner's father was working as Line Inspector with the respondent No.1-organization and he died on 01.08.2012 and as on the said date, the petitioner was aged 15 years, 11 months and 11 days, falling short of the prescribed age of 16 years by 19 days. It is submitted that on completion of 16 years of age, the petitioner made an application requesting for consideration of her case for compassionate appointment and, thereafter, on attaining the age of majority i.e., 18 years, she made another representation. However, the application of the petitioner for compassionate appointment was rejected solely on the ground that she had not completed 16 years of age as on the date of death of the employee, as per Memo No. DP/DM-II-G1/983 dated 21.02.1991, and therefore, she was held ineligible for compassionate appointment. Challenging the same, the present Writ Petition has been filed.

4. Learned counsel for the petitioner contended that the Government is vested with the power to relax the requirement relating to completion of 16 years of age and that such power has been exercised in several similarly placed cases. Learned counsel for the petitioner has referred to G.O.Ms.No.1 dated 02.01.2025, wherein the

case of one Mr. Sardar Vikram Singh was considered and the shortfall of one month and two days in attaining 16 years of age was condoned and the said person was given appointment on compassionate grounds; G.O.Ms.No.32 dated 16.02.2015, wherein the case of one A. Laxminarayana S/o Late Muthanna, was considered for compassionate appointment and the requirement of age of 16 years was relaxed though the said person was only 12 years of age as on the date of death of the employee; G.O.Ms.No.40 dated 08.06.2015, wherein the case of one Kum. Ayesha Fathima D/o Late Syed Abdullah (PC-999) was considered by condoning a shortfall of six months and four days; and G.O.Ms.No.96 dated 03.07.2015, pertaining to Syed Mudossir Zeshan S/o Late Sri Syed Mahmood, wherein similar relaxation was granted. Learned counsel also placed reliance on the judgment of the Division Bench of this Court in W.P.No.26184 of 2011 dated 20.09.2011, wherein it was held that the Government cannot extend the benefit of relaxation to one set of applicants and deny the same to others who are similarly situated and the appeal preferred by the Department therein was dismissed. He also placed reliance upon the judgment of the Division Bench of this Court in W.P.No.1424 of 2014 dated 31.01.2014, confirming the said

principle. Learned counsel for the petitioner is therefore seeking consideration of the case of the petitioner by condoning the shortfall of 19 days in attaining the age of 16 years as on the date of death of her father.

5. On the other hand, learned Standing Counsel for the respondents No.1 & 3 relied upon the averments made in the counter affidavit and has supported the impugned order. He has also relied upon the Government Memo dated 12.08.2003, reiterating that the applicant must have completed or attained 16 years of age as on the date of death of the employee for being considered for compassionate appointment.

6. Having considered the rival submissions and the material on record, this Court finds that there is no dispute regarding the fact that the petitioner fell short of the prescribed age of 16 years by only 19 days as on the date of death of her father. It is evident from the Government Orders placed on record that the Government has the power to relax the said condition and has, in fact, exercised such power in several cases. Further, the Division Bench of this Court in W.P.No.26184 of 2011 has clearly held that the Government is

required to adopt a consistent approach and cannot grant the benefit of relaxation to certain applicants while denying the same to others who are similarly placed. In view of the above, this Court deems it fit and proper to set aside the memo dated 16.04.2018 issued by respondent No.1 and direct the respondents to reconsider the case of the petitioner for compassionate appointment by condoning the shortfall of 19 days in attaining the age of 16 years and thereafter consider her case for compassionate appointment in accordance with law, if she is otherwise eligible. The entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of.

No order as to costs.

8. Miscellaneous applications, if any, pending in this writ petition, shall stand closed.

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SD/-A.V.S. PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

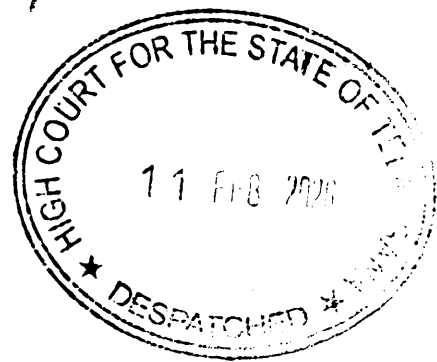
To

1. The Chairman and Managing Director, Southern Power Distribution Company of Telangana Limited (SPDCL), Mint Compound, Hyderabad- 500 063.
2. The Principal Secretary, Energy Department, Secretariat, State of Telangana at Hyderabad.500022.
3. The Superintending Engineer, Southern Power Distribution Company of Telangana Ltd. Siddipet.
4. Two CC's to G.P FOR ENERGY, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to SRI M.R.TAGORE, Advocate [OPUC]
6. One CC to SRI N.SREEDHAR REDDY, SC FOR TELANGANA STATE SOUTHERN POWER DISTRIBUTION COMPANY, Advocate (OPUC)
7. Two CD Copies

SA

HIGH COURT

DATED:03/02/2026



ORDER

WP.No.14449 of 2019

**DISPOSING OF THE W.P
WITHOUT COSTS.**

(10)
Kpl
11/2/26