



HIGH COURT OF ANDHRA PRADESH
TUESDAY ,THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRSENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION NO: 6933 OF 2014

Between:

1. Nakka Prasuna D/o. Late Nakka Ramanaiah, Aged about 28 years, Occ: Un-employee, R/o. Harizanwada, Allur Village and Mandal, SPSR Nellore District.

...PETITIONER(S)

AND:

1. The Vice Chairman and Managing Director, A.P.S.R.T.C., Bus Bhavan, Musheerabad, Hyderabad.
2. The Regional Manager, A.P.S.R.T.C., Nellore, SPSR Nellore District-524001.
3. The Depot Manager, Nellore-I Depot, Nellore,

...RESPONDENTS

Counsel for the Petitioner(s): AMANCHARLA SATISH BABU

Counsel for the Respondents: P DURGA PRASAD SC FOR APSRTC

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI****WRIT PETITION No.6933 of 2014****JUDGMENT:-**

1. Heard Sri A. Satish Babu, learned counsel for the petitioner and Sri K.M.R.Bala Prasad, learned counsel representing Sri P.Durga Prasad, learned counsel for all the respondents and perused the material on record.

2. This petition has been filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not appointing the petitioner as Conductor or on any other suitable post in respondents corporation on compassionate grounds consequent to the death of her father as illegal, arbitrary and unjust and against the G.O.Ms.No.2, Transport, Roads & Buildings (Tr.II) Department, dated 05.01.2013 read with Notification No.PD-4/13, dated 02.03.2014 issued by the 1st respondent and consequently direct the respondents to consider petitioner’s case pursuant to her representation dated 10.02.2014 submitted to 2nd respondent for appointment to the post of Conductor or any other suitable post on compassionate grounds in place of her father and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The petitioner, the daughter of late Nakka Ramanaiah has filed this writ petition seeking a direction to the respondents to appoint her on compassionate ground consequent upon the death of her father, who was posted as driver in Andhra Pradesh State Road Transport Corporation (for short “the Corporation”), and died on 01.04.1991 while in service.



4. The petitioner applied for appointment on compassionate ground in the year 2003, after having acquired the qualification of 10th in the year 2002, which application was followed by reminder applications/representations latest being, dated 10.02.2014.

5. Learned counsel for the petitioner submits that the petitioner's application has not been considered by the respondents, which should have been considered in view of G.O.Ms.No.2, dated 05.01.2013. He has placed reliance on the judgment in the case of **V.Sudhakar Naidu v. M.Padmavathamma and another**, reported in 2013 (6) ALT 216 to submit that the direction may be given to the respondents to consider the petitioner's application, as in the said case also same G.O.Ms.No.2, dated 05.01.2013 and the same memo, dated 10.02.2015 were involved.

6. Learned counsel for the respondents submits that after the death of the petitioner's father on 01.04.1991, his widow (mother of the petitioner) Smt. Nakka Sayamma received all the settlement amount/benefits. She also submitted an application on 30.10.2002 for compassionate appointment, but as the same was not within the stipulated time of three years, as per Circular No.PD-89/1989, dated 24.07.1989, the same was rejected. The petitioner's application dated 07.11.2003 was also rejected, as the petitioner was under age. The widow again submitted an application dated 26.07.2008 for appointment of the petitioner under bread winner scheme, which was also rejected as time barred.

7. Learned counsel for the respondents further submits that the G.O.Ms.No.2, dated 05.01.2013, pursuant to which the



Notification No.02/2015, dated 10.02.2015 was issued did not apply to the petitioner's case, as thereby applications were invited from the dependents of the deceased employees, afresh, who died during the ban period i.e. with effect from 01.01.1998 to 04.01.2013. The petitioner's father died on 01.04.1991 and not during the ban period.

8. Learned counsel for the respondents further submits that this writ petition is filed belatedly in 2014 without any explanation of laches and deserves to be dismissed on this ground alone.

9. Learned counsel for the petitioner submits that the petitioner filed repeated representations in pursuing the authorities.

10. I have considered the submissions advanced and perused the material on record.

11. There is no dispute that the petitioner's father died in the year 1991 and the petitioner applied for compassionate appointment in the year 2003 after expiry of 12 years. Previously, the petitioner's mother/widow of the deceased applied, but her application was rejected. She also received all the settlement amount/benefits, as submitted by the respondents' counsel based on the averments in the counter affidavit, which are unrebutted by any reply affidavit.

12. The object of the compassionate appointment is to give employment to one of the dependents of the deceased to mitigate the immediate hardship.

13. The petitioner filed Writ Petition in the year 2014. Earlier her application as also the application of her mother were rejected in the years 2003 and 2008.



14. It is settled in law that filing of repeated representations would not give fresh cause of action to maintain the petition.

15. Learned counsel for the petitioner submits that the G.O.M.s.No.2, dated 05.01.2013 is retrospective in nature.

16. G.O.Ms.No.2, dated 05.01.2013 reads as under:-

“In the reference 1st to 5th read above, Government issued orders specifying the procedure governing the scheme of Compassionate appointment to the dependents of deceased Government employees from time to time.

2. *In the G.O. 3rd read above, Government issued guidelines to all State Level Public Enterprises (SLPEs) advising that the provision of employment on compassionate grounds in the case of those employees who expired while in service, on the same lines as in practice in Government may be adopted.*

3. *In the G.O. 6th read above, Government have issued orders that the scheme of compassionate appointments in the State Level Public Enterprises should be dispensed with and in lieu of the same, the following amounts to be paid as an ex-gratia to the dependents of the employees of SLPEs.*

- a) Class IV Employees : Rs.50,000/-*
- b) Ministerial Staff : Rs.75,000/-*
- c) Officers and Executives : Rs.1,00,000/-*

4. *In the G.O. 8th read above Government have issued orders to implement the Compassionate Appointments Scheme as per the consolidated existing instructions issued in the reference 7th read above to restore the Compassionate Appointments Scheme to the employees died in harness in State Public Enterprises and Cooperatives, with prospective effect from the date of issue of the orders in the matter and applicable only to such SLPEs and Cooperatives, having positive net-worth which are financially sound, earning profits for the last five years and not dependent on Government for any kind of budgetary support whether in the form of Government grants or subsidy.*

5. *In the reference 10th read above, the VC&MD, APSRTC, Hyderabad has requested to restore compassionate appointment and provide employment to the dependents of deceased employees against sanctioned vacancies. He has*



also mentioned that APSRTC has not been making profits for consecutive last 5 years because of various external factors such as escalation of prices of diesel, spares etc. The APSRTC is making a lot of efforts to reduce losses. He has requested that keeping the nature of jobs attended to by majority of employees and the risk involved therein, Government to the dependents of employees died in harness under bread winner scheme as there are large number of sanctioned vacancies and there will be no additional financial burden to the APSRTC.

6. In the reference 11th read above the VC&MD, APSRTC, Hyderabad, has requested to restore compassionate appointments from January, 1998.

7. Government, after careful examination, hereby accord permission to Vice Chairman & Managing Director, APSRTC to provide compassionate appointments to all the eligible dependents of the employees, who died in harness, numbering around 1120 pending since very long time w.e.f. 01.01.1998 in Andhra Pradesh State Road Transport Corporation against sanctioned vacancies, as per the recruitment guidelines in vague subject to fulfilling eligibility criteria & qualifications, with retrospective effect, as a special case and as one time measure.

8. The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation shall take necessary action accordingly.

9. This order issues with the concurrence of Finance Department vide their U.O.No.33618/1454/A2/Exp.PW/12, Dt. 28.12.2012.”

17. A bare perusal of Paragraph Nos.6 and 7 of G.O.Ms.No.2, dated 05.01.2013 shows that the compassionate appointment scheme was restored for all the eligible dependents of the employees who died in harness with effect from 01.01.1998 in A.P.S.R.T.C with retrospective effect as a special case and as one time measure. The retrospectivity given is from a specified date i.e. 01.01.1998 only which would not cover the petitioner's case whose father died in the year 1991.



18. When retrospectivity is given from a particular date, the G.O.Ms.No.2, dated 05.01.2013 cannot be given retrospective effect from another date, and particularly when, there is no challenge to the G.O.Ms.No.2, dated 05.01.2013.

19. The case of Sri V. Sudhakar Naidu, is not attracted to the petitioner's case, as in that case the employee died on 10.12.2004 while in service, during the ban period i.e. 01.01.1998 to 04.01.2013 covered under G.O.Ms.No.2, dated 05.01.2013, whereas in the present case, the date of death of the petitioner's father is 1991, which is not covered under the said G.O.

20. In view of the aforesaid, I do not find any merit in the writ petition which is accordingly dismissed.

21. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

Date: 28.06.2022
SCS



THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

185

WRIT PETITION No.6933 of 2014

Date: 28.06.2022

Scs