



HIGH COURT OF ANDHRA PRADESH
FRIDAY ,THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO
PRESENT
THE HONOURABLE SRI JUSTICE K SURESH REDDY
WRIT PETITION NO: 39148 OF 2018

Between:

1. Smt. Cheedarla Roja Rani w/o late Ch.Ramesh, Aged about. 27 years,
occ. Temporary Employee, r/o Aithanagar, Tenali Town and Mandal,
Guntur District.

...PETITIONER(S)

AND:

1. The Commissioner of Endowments State of Andhra Pradesh, Gollapudi,
Vijayawada.
2. Sri Lakshmi Padmavathi Sametha Sri Venkateswara Swamy Vari
Devastanam Vaikuntapuram, Tenali, Guntur District, AP, rep.by its
Assistant Commissioner and Executive Officer.
3. State of Andhra Pradesh Revenue (Endowments) Department,
Velagapudi, Amaravathi,
Rep.by its Principal Secretary to Government.

...RESPONDENTS

Counsel for the Petitioner(s): V S K RAMA RAO

Counsel for the Respondents: ADDL ADVOCATE GENERAL II

The Court made the following: ORDER



HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No. 39148 OF 2018

Between:

Smt. Cheedarla Roja Rani,
W/o late Ch.Ramesh, 27 years,
Temporary employee, R/o Aithanagar,
Tenali Town & Mandal,
Guntur District.

... Petitioner

AND

The Commissioner of Endowments,
State of Andhra Pradesh, Gollapudi,
Vijayawada, and 2 others.

... Respondents

Date of Order Pronounced : 23-09-2022

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE K.SURESH REDDY

1. Whether the copy of order may
be marked to Law Reporters/Journals? Yes/No
2. Whether His Lordship wishes to see the
Fair copy of the order? Yes/No

K.SURESH REDDY, J.



***THE HON'BLE SRI JUSTICE K.SURESH REDDY**

+WRIT PETITION No. 39148 OF 2018

%Dated: 23-09-2022

#Smt. Cheedarla Roja Rani,

W/o late Ch.Ramesh, 27 years, Temporary employee,

R/o Aithanagar, Tenali Town & Mandal,

Guntur District.

... Petitioner

VERSUS

\$The Commissioner of Endowments,

State of Andhra Pradesh, Gollapudi,

Vijayawada, and 2 others.

... Respondents

!Counsel for the petitioner: Sri V.S.K.Rama Rao

^Counsel for R1 & R3 : Special Government Pleader

^Counsel for R2 : Standing counsel

<GIST :

>HEAD NOTE :

?Cases referred :

1. (1994) 4 SCC 138
2. 2016 (III) MPJR 87
3. 2021 (2) ALT 238
4. W.P.28931 OF 2021 DATED 20-01-2022

**THE HON'BLE SRI JUSTICE K.SURESH REDDY****WRIT PETITION No. 39148 OF 2018****ORDER:**

The question that arises for consideration in the present writ petition is whether the State Government is justified in refusing compassionate appointment to widowed daughter-in-law (the petitioner herein) of the deceased Government Servant on the ground that the policy issued for such appointment does not include widowed daughter-in-law.

2. The above-stated question arises in the following factual matrix of the case:

Sri Lakshmi Padmavati Sameta Sri Venkateswara Swamy Vari Devastanam, Vaikuntapuram, Tenali-respondent No. 2 is an institution, registered under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') and published under Section 6 (a) of the Act, wherein the annual income of the institution is over and above Rs.1,00,00,000/-. One Ch.Yedukondalu, father-in-law of the petitioner, who was working as Attender in respondent No. 2-



Devastanam, died in harness on 03-04-2013. The deceased Ch.Yedukondalu was survived by his wife Smt. Ch.Sugunamma, widowed daughter-in-law-the petitioner herein and a married daughter by name Smt. Vema Durga. The son of Ch.Yedukondalu predeceased him on 27-12-2012. As such, on the date of death of Ch.Yedukondalu, his widow and widowed daughter-in-law-the petitioner herein are the dependents on him.

Thereafter, Smt. Ch.Sugunamma-the wife of late Ch.Yedukondalu applied for being appointed on compassionate grounds. Respondent No. 1 issued proceedings on 21-02-2015 appointing Smt. Ch.Sugunamma as Attender. While things stood thus, the said Sugunamma also died in harness on 01-07-2017 leaving behind her widowed daughter-in-law. The petitioner herein, being widowed daughter-in-law of the deceased Government Servant, made an application for compassionate appointment as per G.O.Ms.No. 1357, Revenue (Endowments.I) Department, dated 18-07-2011 issued in this behalf by the State Government. The competent authority, by its order dated



17-07-2018, rejected the claim of the petitioner which is impugned in the present writ petition.

3. Counter has been filed by the respondents-State stating *inter alia* that the applicable G.O. and the guidelines regarding eligible dependents show that the petitioner, being daughter-in-law, is not eligible for appointment on compassionate grounds.

4. Heard Sri V.S.K.Rama Rao, learned counsel appearing for the petitioner, Sri. Y.N.Vivekananda, learned Special Government Pleader, attached to the office of learned Additional Advocate General, appearing for respondent Nos. 1 and 3 and Sri K.Madhava Reddy, learned standing counsel appearing for respondent No. 2.

5. Learned counsel appearing for the petitioner strenuously contends that the impugned order passed by respondent No. 1 is illegal as widowed daughter-in-law of the deceased Government employee is none other than a family member; that unfortunately, husband of the petitioner predeceased his parents and that therefore, on the date of death of the deceased Government employee *i.e.* Smt. Ch.Sugunamma, the petitioner is dependent on her.



6. Sri Y.N.Vivekananda, learned Special Government Pleader, and Sri K.Madhava Reddy, learned standing counsel, on the other hand, vehemently opposed stating that the scheme as provided under G.O.Ms.No. 1357 dated 18-07-2011 does not apply to daughter-in-law and that as per the scheme, dependent family member means spouse and son/daughter.

7. Learned counsel appearing for the petitioner would submit that the object and purpose of granting compassionate appointment is to mitigate hardship caused to the family of the employee dying in harness and the criteria to consider the case for compassionate appointment should be based on dependency. Learned counsel would further submit that husband of the petitioner predeceased his parents *i.e.* in-laws of the petitioner and the petitioner is solely dependent on her mother-in-law who died in harness and therefore, exclusion of the petitioner from consideration for compassionate appointment is illegal though she is also a family member of the deceased Government employee. Both learned Special Government Pleader and learned standing counsel would submit that as per the scheme, family members of



the deceased Government employee are only spouse and son/daughter.

8. This Court perused the entire material on record. In order to consider the plea of excluding daughter-in-law from consideration for compassionate appointment in the welfare measure adopted by the State Government, it would be apposite to notice Clause II of the applicable Government instructions dealing with compassionate appointment issued on 12-08-2003 by the State Government which states thus:

"II. Dependent family member means:-

(a) Spouse

(b) Son/Daughter

i) In the family of the deceased government employee, if the son who is employed is separated from the family and if the family is without an earning member, the spouse/son/daughter out of the remaining family may be considered for compassionate appointment.

ii) The adopted son or daughter of the deceased Government Servant may be considered for appointment, if the adoption had taken place legally, atleast five years prior to the date of demise of the Government Servant.



When there is only a married daughter to the deceased Government employee without older or younger brothers or sisters and the spouse of the deceased Government employee is not willing to avail the compassionate appointment, such married daughter may be considered for compassionate appointment, provided she is dependent on the deceased Government employee.

Where the unmarried daughter of the deceased employee who is otherwise eligible on the date of the death of the deceased Government employee and she is also eligible as an unmarried daughter the day she has applied for compassionate appointment but subsequently gets married before she could be appointed due to administrative delays in issuing the appointment orders, such married daughter of the deceased Government employee is eligible for compassionate appointment provided she applied for the post within the prescribed time limit before her marriage and subject to satisfying other conditions and instructions issued on the scheme from time to time.

Where the deceased employee does not have any male child but leaves behind him a married daughter and an unmarried minor daughter, the choice of selecting one of them for appointment under the social security scheme shall be left to the mother."

9. The facts of the case are not disputed by both the parties. A careful reading of the aforesaid Clause would show that the policy of the State Government is to extend the benefit of compassionate



appointment to the bereaved members of the family of the deceased Government servant as on account of sudden demise of the sole earning member, the family is devoid of means to meet both the ends. It has further been provided that those member of the family would be entitled for compassionate appointment who is wholly dependent upon the deceased Government servant, in which widow has been given preference and thereafter, son/daughter and thereafter, married daughter including adopted son/daughter. Thus, welfare policy of the State Government to consider the dependent member of the bereaved family for compassionate appointment is based on dependency. The test in the matters of compassionate appointment is twofold; one is dependency and the other is financial capacity. These two alone are the criteria for compassionate appointment and it cannot be claimed as a right. The employer has to see the dependency and the financial crisis alone.



10. Time and again and repeatedly, the Hon'ble Supreme Court highlighted the object and scope of compassionate appointment in its judgments. In ***Umesh Kumar Nagpal Vs. State of Haryana and others***¹, the Hon'ble Apex Court categorically held that

"The whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. Mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority is required to examine the financial condition of the family of the deceased and only upon satisfaction that the family will not be able to meet the crisis, a job is to be offered to the eligible member of the family."

11. Appointment on compassionate grounds in deviation from the normal rule of recruitment was conceived with the object of providing immediate financial relief to the dependents of a person who dies during his employment and it was intended to be a beneficial measure and not a means of obtaining employment as a matter of course by avoiding the rules of recruitment applicable to others. Thus, it is quite vivid that criteria for extending the benefit

¹ (1994) 4 SCC 138



of welfare measures by model employer should be based on dependency as the object of granting compassionate appointment is to wipe out the tears of the deceased family on account of death of Government servant and their inability to maintain themselves and to mitigate the hardship and financial crisis occasioned on account of death of breadwinner of the family. Therefore, the rule providing for category of dependents must take care of all the categories of family members of the deceased Government servant who are and who can be considered dependents of the deceased.

12. Admittedly, in the case on hand, the petitioner, who is widowed daughter-in-law of the deceased Government servant, is solely dependent on her mother-in-law. The petitioner is having a minor child aged about 7 years. After marriage, daughter-in-law will become a member of the matrimonial home and certainly, she is a dependent on her husband and in-laws. On marriage, wife becomes an integral part of husband's marital room entitled to equal status of husband as a member of the family and therefore, a woman on marriage becomes a member of her matrimonial family and she has rights and obligations in the family. In similar



circumstances, the High Court of Chhattisgarh at Bilaspur in ***Smt. Duliya Bai Yadav Vs. State of Chhattisgarh and others***², after relying on various judgments, held that the case of widowed daughter-in-law, who is a dependent on the deceased Government employee, can be considered for compassionate appointment.

13. The petitioner filed certificate dated 05-12-2017 issued by the Tahsildar, Tenali, wherein it is categorically stated that the deceased Government servant died on 01-07-2017 leaving behind (1) Smt. Vema Durga, married daughter, and (2) Ch.Rojarani, the petitioner herein, and during enquiry, the daughter of the deceased Government servant also gave her consent to issue proper person certificate in favour of the petitioner herein. As such, the married daughter of the deceased Government servant, who is living separately with her husband, has no claim for compassionate appointment.

14. In fact, this Court in ***Ch.Damayanthi Vs. APSRTC, represented by its Managing Director***³, held that married daughter of a deceased Government servant is also entitled for

² 2016 (III) MPJR 87

³ 2021 (2) ALT 238



compassionate appointment. A similar view has also been taken by this Court in another judgment in ***Smt. Peddisetti Anitha Sree @ Yenepalli Anitha Sree Vs. State of Andhra Pradesh***⁴.

15. Thus, from the aforesaid discussion, it is quite vivid that exclusion of widowed daughter-in-law from the fray of consideration by the State Government without considering the fact as to whether the daughter-in-law is dependent or not is constitutionally impermissible. The Government must provide for consideration of all those persons who are dependents of the deceased Government servant. As the husband of the petitioner predeceased her in-laws, certainly the petitioner is a dependent on her deceased mother-in-law. If husband of the petitioner is alive, his case would certainly be considered for compassionate appointment if he is otherwise eligible. In such circumstances, the petitioner fulfils the criteria of dependency and financial hardship occasioned on the sudden death of her mother-in-law.

⁴ W.P.No. 28931 OF 2021 DATED 20-01-2022



16. As a consequence of the aforesaid discussion, the order dated 17-07-2018 rejecting the petitioner's case for compassionate appointment is hereby set aside and the petitioner is held entitled for compassionate appointment if she is otherwise eligible. The respondents shall consider the petitioner's claim for compassionate appointment and pass necessary orders, subject to her fulfilling other requirements of compassionate appointment, within a period of three (03) months from the date of receipt of a copy of this order.

17. The writ petition is allowed accordingly. Pending miscellaneous applications, if any, shall stand closed in consequence. No costs.

JUSTICE K.SURESH REDDY

Date: 23-09-2022,

Note: L.R. copy to be marked.

B/O

JSK



2022:APHC:33474

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THE HON'BLE SRI JUSTICE K.SURESH REDDY

WRIT PETITION No. 39148 OF 2018

DATE: 23RD SEPTEMBER, 2022

JSK