

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WRIT PETITION NO.100 of 2021

Between:

G.Sowmya

...Petitioner

AND

1. The State of Telangana represented by its Principal Secretary to Government, Home (Services-IV) Department, Secretariat, T.S., Hyderabad and another

...Respondents

ORDER PRONOUNCED ON: 06.03.2023

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE K.SARATH

1. Whether Reporters of Local : Yes/No
newspapers may be allowed to see
the Judgment ?
2. Whether the copies of judgment : Yes/No
may be marked to Law
Reports/Journals
3. Whether Their Lordship/Ladyship : Yes/No
wish to see the fair copy of
judgment

JUSTICE K.SARATH

THE HON'BLE SRI JUSTICE K.SARATH

+WRIT PETITION NO.100 OF 2021

%Dated 06.03.2023

G.Sowmya

...Petitioner

AND

\$ 1. The State of Telangana represented by its Principal Secretary to Government, Home (Services-IV) Department, Secretariat, T.S., Hyderabad and another

...Respondents

! Counsel for Petitioner: Sri V.Ravichandran

^ Counsel for Respondent Nos.1 and 2: Special Government
Pleader for Home

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> HEAD NOTE :

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.100 of 2021

ORDER:

Heard the Learned Counsel for the petitioner and Sri M.V.Rama Rao, Learned Special Government Pleader for Home appearing for the respondents.

2. The Learned Counsel for the petitioner submits that the petitioner is the daughter of Late G.A.Shyam Sunder who died in harness while working as Assistant Manager, GCP, Hyderabad on 12.03.2018. The petitioner possesses B.Com degree and she is fully eligible and qualified for appointment on compassionate grounds consequent to the demise of her father. Though the Petitioner got married in the year 2007, differences cropped up immediately in the same year and the Petitioner is living with her parents till date, as her husband deserted her even before the demise of her father. She is solely

dependent on her parents as is evident from the contents of No-income, Dependent and Non-remarried certificate issued by the Tahsildar, Musheerabad Tahsil, Hyderabad *vide* Proceedings No.F/4483/2018 dated 16.10.2018. The Petitioner has no other means to eke out her livelihood.

3. The Learned Counsel for the petitioner further submits that after the demise of the father of the petitioner, her mother made an application dated 23.06.2018 to the respondent No.2 with a request to provide compassionate appointment to the petitioner, as there is no other earning member in the family. Similar applications dated 23.06.2018 and 06.10.2018 were made by the petitioner to the respondent No.2. A joint application was submitted by the mother of the petitioner and brother to similar effect on 06.10.2018. The aforementioned request was forwarded to Government by the respondent No.2 *vide* Proceedings dated 31.10.2018. After

keeping the matter pending for nearly one and half years, the respondent No.1 issued rejection order *vide* impugned Memo No.12228/Ser-IV/A2/2018 dated 16.01.2020. Hence, this Writ Petition.

4. The Learned Special Government Pleader for Home submits that the rejection order issued by the Government as per the instructions in Memo No.60681/Ser.A/2003-1, dated 12.08.2003 and G.O.Ms.No.350, General Administration (Services-A) Department, dated 30.07.1999.

5. The Learned Special Government Pleader further submits that as per the Family Members Certificate dated 06.06.2018 issued by the Tahsildar, Musheerabad Mandal, Revenue Department and the Financial Status Certificate *vide* Lr.No.A/3337/2018, dated 26.09.2018 issued by the Revenue Divisional Officer, Secunderabad Division, it was clearly

mentioned that the petitioner is having a younger brother.

6. After hearing both sides, this Court is of the considered view that the respondents relied on the Government Memo No.60681/Ser.A/2003-1, dated 12.08.2003 and rejected the case of the petitioner. In the said Memo, it is clearly mentioned that 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.

7. The scheme of compassionate appointment provides the sole objective to provide immediate succor to the family which may suddenly find itself in dire straits as a result of the death of the bread winner. Therefore, the compassionate employment

cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be. The compassionate employment is permissible only to one of the dependants of the deceased/incapacitated employee.

8. The compassionate appointment scheme was introduced in G.O.Ms.No.687, General Administration (Services-A) Department, dated 03.10.1977 and there was no provision to provide compassionate appointment to the married daughter. Subsequently, the Government extended the said benefit to the married daughter, where there is no having older or younger brothers or sisters. The Government issued G.O.Ms.No.350, General Administration Department, dated 30.07.1999 and the calcification issued to the said G.O. in Memo No.60681/Sr.A/2003-1, dated 12.08.2003.

9. The relevant portion of G.O.Ms.No.350, General Administration (Services-A) Department, dated 30.07.1999 is as follows:

"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".

In the instant case, admittedly, the petitioner is having younger brother and the petitioner is married daughter to the deceased-employee.

10. In view of the same, the petitioner is not eligible to seek compassionate appointment and the respondents have rightly rejected the case of the petitioner. In view of the same, this Writ Petition is

devoid of merits and the same is liable to be dismissed.

11. Accordingly this Writ Petition is dismissed.
There shall be no order as to costs.

12. Miscellaneous applications pending, if any, shall stand closed.

JUSTICE K.SARATH

Date:06.03.2023

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