
(2000) 11 AP CK 0030
In the Andhra Pradesh High Court
Case No : Writ Petition No. 14142 of 2000

B. Mariyamma

APPELLANT

Vs

APSRTC, Musheerabad, Hyd. and others

RESPONDENT

Date of Decision : 16-11-2000

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2001) 1 ALD 95 : (2001) 2 ALT 226

Hon'ble Judges : V. Eswaraiah, J

Bench : Single Bench

Advocate : Mr. S.A.K. Mynoddin, for the Appellant; Mr. A.V. Sivaiah, SC for APSRTC, for the Respondent

Judgement

V. Eswaraiah, J.—At the admission stage itself counter is filed, pleadings are completed and both the Counsel agreed for disposal of the main case.

2. The petitioner is the wife of late A.S.S. Raju who died in harness on 22-10-1998 while working as Driver in the respondents" Corporation. The petitioner filed a representation before the Regional Manager, Cuddapah seeking appointment on compassionate ground under "Bread Winner Scheme". It appears that the case of the petitioner was considered for the post of Conductor but she submitted representations on 19-4-2000 and 29-4-2000 stating that she is not entitled for the post of Conductor as she studied only upto 5th Class and for seeking appointment under "Bread Winner Scheme" the minimum qualification for the post of Conductor is 8th class. Therefore, she requested the respondents to consider her candidature for the post of Cleaner (Shramik). The 2nd Respondent by impugned proceedings dated 22-6-2000 rejected her request stating that she is not entitled for the post of Shramik (Cleaner) in view of the nature of the work and her case would be considered for the post of Conductor if she has passed 8th class and within the age limit and specified height for it. Questioning the said order, the petitioner filed this Writ Petition stating that the action of the respondents is illegal, arbitrary and discriminatory. The petitioner

cited several instances wherein the spouses of the deceased employees have been appointed as Cleaners and they are working, and therefore, the action of the respondents in rejecting her case is not only discriminatory but also violative of Article 14 of Constitution of India and the respondents cannot discriminate the candidates based on the sex i.e., male and female. It is not the case of the respondents that a female member cannot perform the job of a Cleaner. The petitioner submitted that respondents 3 and 4, who are the spouses of the erstwhile employees of APSRTC, have been appointed as Cleaners and they are working in Cuddapah Depot, and therefore, the reason given by the respondent that a female member is not entitled for the job of a Cleaner is illegal and untenable.

3. The respondents have neither disputed nor denied in their counter that the 3rd and 4th respondents were not appointed under Bread Winner Scheme. The petitioner also submitted that Smt. Amalamma W/o. late Samuel Raju, driver of Vijayawada Depot was appointed by order dated 17-8-1998 and in addition to the above, the petitioner also cited certain other instances in Para 7 of the affidavit stating that the cases of the spouses of the deceased employees were considered for the post of Shramik.

4. The learned Standing Counsel for the respondents submits that there is a total ban for the recruitment in APSRTC except for the direct recruitment for the post of Driver Grade-II, Conductor Grade-II and Shramik (Cleaner). The post of the Shramik shall be filled by the Regional Manager after obtaining prior approval of the Vice Chairman and Managing Director. The Standing Counsel for the respondents filed a latest Circular of the APSRTC issued in No.PD-41/2000 dated 28-7-2000 by the Vice-Chairman and Managing Director. According to Para 1 of the said Circular, there is no ban for the vacancies to be filled for the post of the Driver Grade-II, Conductor Grade-II, but the said posts shall be filled after obtaining prior approval of the Executive Director of the concerned Zone and also there is no ban for the post of Shramik (Cleaner), which shall be filled by the Regional Manager after obtaining prior approval of the Vice-Chairman and Managing Director.

5. Thus, it is clear that the said Circular does not specify that the spouses of the deceased employees are not entitled for the post of Shramik (Cleaner). The 2nd respondent cannot discriminate anybody on the ground of sex. The respondent have not stated in the said Circular that the woman candidates cannot be considered to the post of Shramik. In view of the changed circumstances of the Society, the woman candidates are doing all types of jobs such as, important technical jobs like pilot officers, etc. and therefore, it cannot be said that the woman candidate cannot perform the job of a Cleaner. I, therefore, do not see any justification on the part of the respondents to deny the employment to the petitioner for the post of Shramik (Cleaner) under Bread Winner Scheme for which post there is no ban.

6. Accordingly, the writ petition is allowed and the impugned order dated

22-6-2000 is set aside. Respondents 1 and 2 are directed to consider the case of the petitioner for appointment to the post of Shramik (Cleaner) in the light of the above observations in accordance with law and pass appropriate orders within six weeks from the date of receipt of a copy of this order. No costs.