
(2000) 01 AP CK 0022

In the Andhra Pradesh High Court

Case No : Writ Petition No. 12786 of 1999

B. Nagendra Kumar

APPELLANT

Vs

APSRTC and others

RESPONDENT

Date of Decision : 17-01-2000

Acts Referred:

Citation : (2000) 2 ALD 626 : (2000) 4 ALT 485 : (2000) 87 FLR 261

Hon'ble Judges : Vaman Rao, J

Bench : Single Bench

Advocate : M/s. S.A.K. Mynoddin and S.V. Ramana, for the Appellant; Mr. A.V. Sivaiah, SC for APSRTC, for the Respondent

Judgement

1. The petitioner's father was working as a Depot clerk in the 1st respondent Corporation. He died on 13-5-1995. The petitioner, who is his son, gave an application for compassionate appointment in the 1st respondent-Corporation on 17-3-1997. As no action was taken on his application, it appears that the petitioner filed Writ Petition No.15252 of 1997 which was disposed of with a direction to the 1st respondent-Corporation to consider the petitioner's case for appointment for any suitable post.

2. It is stated that in pursuance of the directions, the petitioner was called for an interview for the post of conductor on 24-2-1998. It appears that his application was rejected on 9-3-1998 on the ground that he was short in height by 4.5 cms., compared to the prescribed height for the post of conductors.

3. The learned Counsel for the petitioner Sri S. V. Ramana contends that there are circulars issued by the 1st respondent-Corporation authorising the Managing Director to relax the eligibility criteria for candidates seeking appointment on compassionate grounds. It is further stated that infact relaxation has been granted in respect of one J. Padmavathi, W/o. Late J.R. Nadan for the post of conductor, who sought compassionate appointment on the death of her husband. It is submitted by the learned Counsel that there is no reason why similar

treatment should not be given to the petitioner in the matter of relaxation of requirement as to height. The learned Counsel appearing for the 1st respondent-Corporation Sri A. V. Sivaiah contends that the relaxation referred to by the learned Counsel for the petitioner was granted to an extent of 2 cms., whereas the petitioner is found to be 4.5 cms., short from the prescribed height for the post of the conductors.

4. In the absence of any material bearing on the question it is difficult to ascertain whether difference in shortage in height by 2 cms. and by 4.5 cms., has really any bearing on the efficiency of the employee appointed to the post of conductors. If such difference does not have any substantial and material bearing on the question of efficiency, there is no reason why the petitioner's case should not be considered on the same grounds on which the cases of other dependants, who sought compassionate appointments, have been considered. It is stated by the learned Counsel for the petitioner that he has already made representation dated 31-7-1998 to the Managing Director of the 1st respondent- Corporation seeking relaxation from the requirement of height. The learned Counsel for the 1st respondent-Corporation informs that the Managing Director will consider the representation of the petitioner in accordance with the relevant applicable criteria.

5. Considering these circumstances, this writ petition is disposed of with a direction that the Managing Director of the 1st respondent-Corporation shall consider the representation of the petitioner for relaxation as to height for the post of conductor for appointment on compassionate grounds within three months from today.

6. The writ petition is disposed of accordingly.