
(1999) 10 AP CK 0052

In the Andhra Pradesh High Court

Case No : Writ Petition No. 15866 of 1999

B. Sanjeev Kumar and others

APPELLANT

Vs

Managing Director, APSRTC, Musheerabad, Hyd. and others

RESPONDENT

Date of Decision : 13-10-1999

Acts Referred:

Constitution of India, 1950 — Article 16(2)

Citation : (2000) 1 ALD 334 : (1999) 6 ALT 665 : (2000) 84 FLR 884

Hon'ble Judges : B. Prakash Rao, J

Bench : Single Bench

Advocate : Mr. V. Viswanatham, for the Appellant; Smt. Nanda Ramachandra Rao, SC, for the Respondent

Judgement

1. The petitioners, four in number, filed this writ petition seeking a declaration that the action of the respondents in not issuing appointment orders to them in pursuance of the interview conducted on 28-9-1996 is illegal. Of the petitioners, the father of the first petitioner having completed 25 years of service prior to 15-2-1995 as TTI, retired on 30-6-1996. The father of the second petitioner having completed 25 years of service retired as a clerk with effect from 30-6-1998. The father of the petitioner No.3 retired after completion of 25 years of service as a driver on 31-6-1997. Similarly, the father of the fourth petitioner on completion of 25 years of service retired on 31-7-1998 as TTI. The petitioners rely on certain circulars issued by the respondents especially Circular No.PD-20/93 dated 18-3-1993 and sought appointment in a suitable post on the basis that they are the children of the retired employees. Though it was claimed that the petitioners were called for interview on 20-11-1994, no results were communicated to them. Therefore, they had to file earlier a Writ Petition No.15653 of 1996 which was disposed of on 7-8-1996 with directions to consider their cases in accordance with the orders in WPNo.1611 of 1994 dated 27-11-1995 and also in accordance with the relevant circulars issued by the Corporation within a period of three months from the date of receipt of the order. In pursuance of the said orders, the petitioners were again interviewed on

28-9-1996 and the petitioners claim, till now the results are not declared nor they were appointed in any suitable post. The petitioners claim that there are vacancies in the categories of conductor, driver and cleaners under 30% quota which is exclusively reserved for the children of retired/deceased/in-service candidates and, therefore, they are entitled to be appointed in any of the suitable posts. Even the representation filed by them on 21-4-1998 for appointment has remained unconsidered.

2. At the request of both the Counsel, this matter was taken up for final hearing.

3. The Counsel for the respondents contended that the petitioners are only claiming as the children of the retired employees but not under compassionate appointment of any deceased employees. It was stated that the case of the children of the deceased employees who died in harness totally stand on a different footing and certain guidelines have been issued. However, as regards the children of the retired employees, there is no such vested right and the petitioners cannot make any claim. The respondents relied on the decision of this Court in *G. Ramakrishna Raju v. Regional Manager, APSRTC* 1997 (2) ALD 235, wherein it was held:

"The scope of making appointments on compassionate ground is limited only to the cases in which the children of the employee who died in harness can be considered subject to the conditions which have been discussed earlier viz., only one appointment can be made on the ground of the employee dying in harness in a situation where the family has no other means of income and that it would be exposed to distress if such employment was not provided.

In the case before us, the employment is not claimed on the ground that the petitioner's father died in harness. An effort was made to show that initially the claim was based upon the proposition of fact that the employee had completed 25 years of service which entitled his son (the petitioner) to be employed with the Corporation and the second proposition of fact was that the employee had retired after putting in 33 years of service, which according to the petitioner entitled him for employment in the respondent Corporation. None of these two situations has been held to be in conformity with the right guaranteed under Article 16(2) of the Constitution of India."

4. In the said judgment, this Court had an occasion to consider the various earlier judgments and laid down that the children of the retired employees are not entitled to be appointed on compassionate grounds. Even the judgment referred to in the orders passed in the earlier writ petition v/z., WPNo.1611 of 1994 dated 27-11-1995 also came up for consideration. In view of the said principles as laid down thereunder, the petitioners cannot make any grievance and further they have no right or locus standi to make any such claim.

5. In these circumstances, the writ petition lacks any merit and accordingly it is dismissed. No costs.