

(2008) 07 AP CK 0013
In the Andhra Pradesh High Court
Case No : Writ Petition No. 3333 of 2006

K. Prasanna Kumar

APPELLANT

Vs

Superintending Engineer (Operation), APCPDCL and Another

RESPONDENT

Date of Decision : 23-07-2008

Acts Referred:

Citation : (2008) 5 ALD 701 : (2008) 119 FLR 997 : (2009) 2 SLR 631

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : K. Srinivasa Reddy, for the Appellant; P.R. Balanami Reddy, SC for AP TRANSCO, for the Respondent

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J.—The father of the petitioner, by name Madaiah, was initially engaged as a Contract Labour for the works undertaken by the then A.P. State Electricity Board. His case was not considered in terms of B.P. Ms. No. 36, dated 18.5.1997, against 50% vacancies, on the ground that he was over-aged. However, he was appointed as Village Electricity Worker and thereafter, as Contract Junior Lineman on 5.8.2002. The contract was extended from time to time. When he was undertaking the repair of a transformer on 12.12.2004, he was electrocuted and died. The petitioner submitted a representation to the respondents with a request to provide him employment on compassionate grounds. His grievance is that the respondents are not considering his case and no action has been taken on the representation filed by him.

2. The 1st respondent filed a counter-affidavit. The fact that Madaiah was appointed as Village Electricity Worker and thereafter, as Contract Junior Lineman, is admitted. It is also stated that various other contract Junior Linemen engaged along with Madaiah were regularized in January 2005. The 1st respondent took the plea that the benefit of compassionate employment cannot be extended to the petitioner, since his father was neither a regular employee nor a trainee employee.

3. Sri K. Srinivas Reddy, learned Counsel for the petitioner submits that after prolonged correspondence and legal proceedings, Madaiah was appointed as Village Electricity Worker and thereafter, as Contract Junior Lineman, and at a time, when his services were about to be regularized, he died, while discharging the official duties. He contends that the Electricity Board itself issued a memo, dated 15.3.1996 extending the benefit of compassionate employment to the dependents of the deceased trainee employees also and that the status of the father of the petitioner was more than that of a trainee.

Sri P.R. Balarami Reddy, learned Standing Counsel for the respondents, submits that the father of the petitioner was only a Contract Junior Lineman, by the time he died, and that he cannot be treated as a Trainee also. He further submits that though the other Contract Junior Linemen engaged along with the father of the petitioner were regularized, the petitioner cannot be extended the benefit.

4. It is a matter of record that Madaiah ultimately came to be appointed as a Junior Lineman on 5.8.2002 and that the various persons engaged along with him were absorbed on regular basis on 12.1.2005. One month before the date of such regularization of other employees, Madaiah died, while repairing a transformer of the respondents-company. The employment on compassionate grounds is a scheme evolved to ensure that the dependants of an employee do not face penury, on account of his untimely death. Over the years, several instances of abuse and misapplication of the scheme have been noticed. If the scheme is to serve its above mentioned purpose, the present case provides an ideal instance. In all other cases, the benefit is extended, irrespective of the fact whether the employee died, during the course of discharging the duties or not. Here is a case, where the employee died, while discharging his duties.

5. A Contract Junior Lineman acquires the status of a Trainee, if not a superior one. The reason is that a Trainee or Contract Junior Lineman is absorbed into service on verification of certain facts. In the counter-affidavit, it is categorically stated that had Madaiah been alive, he would have been regularized along with others. The regularization of the co-employees of Madaiah took place one month after his death. This Court is of the view that this is a genuine instance, where the benefit of compassionate employment, deserves to be extended.

6. The writ petition is, accordingly, allowed and the respondents are directed to consider the representation of the petitioner for employment on compassionate grounds and pass appropriate orders within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.