
(2021) 12 TEL CK 0006
In the Telangana High Court
Case No : Writ Appeal No. 784 Of 2016

State Of Telangana Rep By Its Principal Secretary,	APPELLANT
Vs	
Muddam Jana Reddy	RESPONDENT

Date of Decision : 01-12-2021

Acts Referred:

Citation : (2021) 12 TEL CK 0006

Hon'ble Judges : Satish Chandra Sharma, CJ;N. Tukaramji, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

The present writ appeal is arising out of the impugned order passed by the learned Single Judge in W.P.No.20159 of 2015.

The undisputed facts of the case reveal that the father of the respondent No.1/ writ petitioner, who was suspected to be a Police informer, was brutally murdered by People's War Group (PWG) (Naxalites) on 12.10.1998. The writ petitioner, as the impugned order reveals, was at the relevant point of time aged about 16 years and he submitted an application for grant of compassionate appointment keeping in view the policy decision of the State Government dated 08.11.1996. The policy decision of the State Government is reproduced as under:-

"Government of Andhra Pradesh

ABSTRACT

LAW AND ORDER - Relief to the victims in extremist violence and in police firings-providing employment to a son or a daughter or spouse of any person killed in extremist violence or in police firing

- Order - Issued.

GENERAL ADMINISTRATION (SC.A) DEPARTMENT

G.O.Ms.No.469 Dated:8-11-1996 Read the following

- 1) G.O.Ms.No.70, General Administration (SC.A) Department dated 26-2-1996
- 2) G.O.Ms.No.429, General Administration (SC.A) Department dated 5-10-1996
- 3) A.P.Ordinance No.24 of 1996, dated 28-10-1996.

ORDER:

In the Government order first read above, the state Government have issued orders enhancing the exgratia relief to the victims of extremist violence and relief towards damage to properties. In the Government order second read above, the state Government have issued certain guidelines, among other things, for immediate payment of exgratia relief to the next of the kin of the persons killed/injured in the extremist violence and relief towards damages to properties.

2. As a further measure or relief to the victims of extremist violence and also police firings, the Government have decided to provide employment to the son or daughter or spouse of any person killed in extremist violence or in police firing. Accordingly, the Andhra Pradesh Regulation of Appointments to Public Services and Rationalization of staff pattern any pay structure, Act, 1994 (Act 2 of 1994) has been amended suitably by an ordinance vide reference third read above.

3. The Collectors are authorised to issue orders in respect of any department where there is a vacancy for appointment of a person upto the level of Junior Assistant, Typist depending upon the qualifications of the applicant the concerned appointing authority will issue the appointment orders on the direction of the Collector. The Collectors are also authorised to grant relaxation of age on case to case basis.

4. The above orders will come into effect from 26-2-1996 i.e, the date of the government order first read above.

5. All the Collectors and District Magistrates are requested to take immediate necessary action under intimation to government from time to time.

(BY ORDER AND IN THE NAME OF THE GOVERNER OF ANDHRA PRADESH)

M.S.RAJAJEE

CHIEF SECRETARY TO GOVERNMENT"

The facts further reveal that the case of the writ petitioner was recommended by the Collector, Karimnagar, to the Secretary to Government (Political), and the Government was informed that the father of the writ petitioner was treated as Police informer, he was shot dead by PWG extremists and compassionate appointment be provided to the writ petitioner.

The present case is not an isolated case where compassionate appointments have been granted to the dependants of the Police personnel or to the

dependants in those cases where persons have been killed on account of extremist violence. As no appointment order was being issued and his case was turned down, the writ petitioner was left with no other choice, except to approach this Court and the learned Single Judge has allowed the writ petition. The operative portion of the said order is reproduced as under:-

"The grievance of the petitioner is that by virtue of G.O.Ms.No.469, dated 8.11.1996, he is entitled for appointment on compassionate grounds.

The contention of the respondents that the petitioner is not entitled for appointment on compassionate grounds as he has not completed the age of 16 years as on the date of death of his father, who died in extremist violence, cannot be accepted. Dealing with similar issue, learned Single Judge of this Court in P.Lakshmi Rama and others v. Union of India (2011 (3) ALD 209), held as under:

"At any rate, what becomes relevant is the age of the candidate as on the date of appointment. The petitioner acquired right to submit application only in the year 2008 and it is nobody's case that she needs any relaxation of age as on the date of her application.

Hence, the writ petition is allowed and the impugned order is set aside. The 3rd respondent is directed to pass appropriate orders on the application of the petitioner by treating her as not requiring the relaxation of age limits, within two months from the date of receipt of a copy of this order."

Aggrieved by the said order, the respondents therein filed W.A.No.69 of 2012 and the Division Bench of this Court confirmed the order passed by the learned Single Judge. Challenging the same, the matter was carried to Apex Court and the same was also dismissed.

Thus, respondents cannot contend that the petitioner is not entitled for appointment on compassionate grounds.

In view of the above, the writ petition is allowed and the respondents are directed to provide employment to the petitioner on compassionate grounds within two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed."

This Court has carefully gone through the judgment delivered by the learned Single Judge and the G.O.Ms.No.469, dated 08.11.1996. This Court is dealing with the extraordinary situation where a person who was allegedly helping the State was shot dead by extremists (Naxalites) and now his son is being made to run from pillar to post to seek appointment.

This Court does not find any reason to interfere with the order passed by the learned Single Judge. It has also been stated by the learned counsel for the writ petitioner and it is also on record that not a single rupee has been received by

the writ petitioner towards ex gratia payment and therefore, this Court is of the opinion that the order passed by the learned Single Judge does not warrant any interference.

The exercise of considering the case of the respondent No.1/writ petitioner be concluded within a period of sixty days from today.

The writ appeal is accordingly dismissed. The miscellaneous applications pending in this writ appeal, if any, shall stand closed. There shall be no order as to costs.