

(1995) 10 AP CK 0071

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 1045 of 1995

Vice-Chairman and Managing Director, APSRTC and Others

APPELLANT

Vs

Smt. G. Anjamma

RESPONDENT

Date of Decision : 13-10-1995

Acts Referred:

Constitution of India, 1950 — Article 14, 21

Citation : (1995) 3 ALT 927

Hon'ble Judges : P.S. Mishra, C.J.;B. Sudershan Reddy, J

Bench : Division Bench

Advocate : A. Vyjayanthi, S.C, for the Appellant; K. Vasudeva Reddy, for the Respondent

Final Decision : Dismissed

Judgement

P.S. Mishra, C.J.—Heard. Two grounds are made to question the direction issued by the learned single Judge to give compassionate appointment to the writ petitioner in lieu of her husband's services who has died in harness. First objection is based on some sort of a ban on fresh appointments and it is stated that a circular has been issued stating that ban shall extend to compassionate appointments as well and the second objection is based on the ground that in lieu of compassionate appointment, monetary benefits are extended to the writ petitioner as the wife of the deceased employee.

2. We do not find, however, any force in the first contention for the simple reason that the compassion is shown not to provide a fresh appointment but appointment in lieu of the deceased-employee and thus it does not affect the balance of employment. True, the husband may be doing a job which the wife in the instant case may not be qualified to do. But, appointing a qualified person from amongst those who are in the temporary employment of the Corporation will make no change in the balance of appointment and additional appointment, if any, in the job for which the writ petitioner is suitable shall not add to the number of employees. The second objection, in our opinion, is only a lame and

technical excuse of the appellant-Corporation. There are specific circulars and such circulars are upheld as valid and proper to keep the supply of bread to the family of the deceased-employee continue. It is not such appointment which shall attract Article 16(1) of the Constitution or Article 14 thereof but shall be justified under Article 21 of the Constitution. Any circular issued to extend the ban on any fresh appointment to appointments on compassionate grounds will fall in the teeth of Article 21 of the Constitution. Statutory authorities are not expected to ignore altogether that right to life in one of the most cherished guarantees under our Constitution. It is in consideration of the ground realities in our country that schemes of compassionate appointments have been sanctioned and it is recognised as a Rule to provide some alternative to the sudden withdrawal of the bread of the family on account of the death of the bread winner in harness. We are satisfied that learned single Judge has taken a correct approach to the problem and directed the appellants to give compassionate appointment to the writ petitioners whose husband, it is admitted, has died in harness.

3. There is a faint attempt, however, before us by the learned counsel for the appellants to suggest that the job of a conductor in a running stage carriage is not suitable for a woman.

4. We do not see any reason for such argument on behalf of the appellant-Corporation when the petitioner herself has opted for such an appointment. Denial of any appointment which is due to the writ petitioner on the ground that the job is suitable only for a man will be a discrimination and thus violative of Article 14 of the Constitution of India. If we recognize, however, as a social evil the discrimination practised in the society that women are not allowed to work along with men in jobs which somehow have been taken as bastion of men only, it is time for the appellant-Corporation to consider to run buses exclusively for women and it can make a beginning by appointing the writ petitioner as a conductor in such a bus; special provisions in this behalf are permissible under the Constitution.

5. There is no merit in the appeal. The writ Appeal is accordingly dismissed.