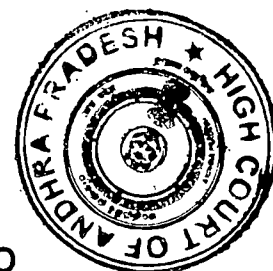


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO



WRIT PETITION NO: 11411 OF 2021

Between:

Dasu Srinivasa Rao, Age 49 years, Occ- Un-employee, R/o.
H.No.10/381, Eluru Road, Nagavarappadu Village, Post and Mandal
Gudiwada Krishna Dist., PIN- 521301.

...PETITIONER

AND

1. The Special Officer and Joint collector, Gudiwada Municipality, Krishna District 521 301
2. The Commissioner, Gudiwada Municipality Krishna District.
3. The Collector and Chairman, District Selection Committee, Krishna District
4. Government of A.P, rep.by Prl.Secretry to Government, MA and UD Department, A.P. Secretariat, Velagapudi, Guntur Dist., PIN- 522 238.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the petitioner claim for appointment on compassionate grounds

in view of the orders of the Government in G.O.Ms.No. 612, General Administration (Ser.A) Department, Dt. 30.10.1991 and clarification issued in Memo No. 17897/Ser.A/2000-1, Dt.20.4.2000 as illegal, arbitrary and violation principles of natural justice apart from violation of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is entitled to be considered for appointment as dependent.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permitted to file the Rejection Order Proceedings RC.No1381/2020/F1, Dt. 17.10.2020 as Additional material paper for perusal of the Hon'ble Court and Consequent to the rejection order there is need to amend the prayer which reads as follows: a It is further prayed that the Proceedings RC.No. 1381/2020/F1, Dt. 17.10.2020 of the Second Respondent -Commissioner, Gudiwada Municipality may please be set aside.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to consider the claim of the petitioner by issuing appointment orders

Counsel for the Petitioner(s): SRI. C SRINIVASA BABA

Counsel for the Respondent Nos.1: SRI M MANOHAR REDDY

Counsel for the Respondent No.2: SRI D KASIM SAHEB

Counsel for the Respondent No.3:----

**Counsel for the Respondent No.4: GP FOR MUNICIPALITIES AND
URBAN DEV**

Counsel for the Respondent : SRI K SRIDHAR MURTHY

The Court made the following: ORDER

APHC010170242021



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3310]

THURSDAY ,THE FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 11411/2021

Between:

Dasu Srinivasa Rao

...PETITIONER

AND

The Special Officer And Joint Collector and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.C SRINIVASA BABA

Counsel for the Respondent(S):

1.D.KASIM SAHEB(SC FOR MUNICIPALITIES SERVICE)

The Court made the following:

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

".....declaring the action of the Respondents in not considering petitioner's claim for appointment on compassionate grounds in view of the orders of the Government in G.O.Ms.No.612, General Administration (Ser.A) Department, Dt.30.10.1991 and clarification issued in Memo No.17897/Ser.A/2000-1, Dt.20.4.2000 as illegal, arbitrary and violative of principles of natural justice apart from violation of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is entitled to be considered for appointment as dependent and pass such other order or orders....."

2. Heard Mr.C.Srinivasa Baba, learned counsel for the petitioner and Mr.K.Sreedhar Murthy, learned Standing Counsel for the 2nd respondent-Municipality.

3. The case of the petitioner is that the brother of the petitioner by name D.Naga Suresh, while working as Sanitary Maistry in Gudiwada Municipality died on 11.10.2019. After the death of their father, said Naga Suresh, being elder in their family, used to look after the welfare of the family with his earnings. Earlier, his brother was married with one Sukanya and later they got separated and living separately and subsequently, said Sukanya married one K.Pavan Kumar. Due to death of said Naga Suresh, the petitioner and his mother became orphans and facing financial crisis. Accordingly, the petitioner, who studied up to 8th class, has submitted a representation to the Commissioner, Gudiwada Municipality seeking employment as Truck Driver on compassionate grounds, as his brother did not leave any spouse or children. Subsequently, his mother Dasu Bayamma also submitted a representation on 29.06.2020 to the 2nd respondent Municipality requesting to give employment to the petitioner in view of G.O.Ms.No.612, General Administration (Services.A) Department, dated 31.10.1991. But the 2nd respondent has not taken any action on the said representations even after lapse of four months. As such, the petitioner and his mother submitted fresh representations, with all requisite documents, on 16.10.2020 seeking appointment to the petitioner on compassionate grounds. But the respondent

authorities did not choose to give any appointment to the petitioner. Hence the writ petition.

4. The respondents 1 and 2 filed counter and stated that the petitioner did not submit any proof regarding marriage of Sukanya with K.Pavan Kumar as alleged in the petition. According to transfer certificate, the petitioner left the school in 7th class, but in the affidavit it is mentioned that he studied up to 8th class. The petitioner is not the dependant of the family as he married and he is having separate family. The mother of the petitioner submitted representation without enclosing any documents, as such, the 2nd respondent did not take any action on the representation dated 29.06.2020, however gave endorsement dated 17.10.2020 stating that the petitioner is not eligible for appointment on compassionate grounds, as there was no valid divorce took place between the deceased Naga Suresh and his wife. Further submitted that the 2nd respondent submitted a letter dated 07.08.2021 to the Commissioner and Director of Municipal Administration, seeking clarification whether the petitioner is entitled for appointment on compassionate grounds or not and whether the death benefits can be paid to mother of the deceased or to his wife, as there was no legal divorce. When awaiting for further orders regarding clarification, the present writ petition was filed by the petitioner. Hence sought for dismissal of the writ petition.

5. During hearing, learned counsel for the petitioner reiterated the contentions urged in the writ petition and also produced additional material papers along with memo for perusal of the Court.
6. On perusal of the additional material papers filed by the petitioner, more particularly the statement of Smt.M.Sukanya shows that she has no any interest in the financial transactions of her ex-husband in the future, as they got separated before the elders by executing a mutual agreement.
7. Upon hearing the arguments of both learned counsel for the petitioner and learned Standing Counsel for the 2nd respondent, this Court feels it appropriate to dispose of the writ petition by directing the 2nd respondent to consider the case of the petitioner afresh with regard to issuing employment on compassionate grounds by conducting enquiry after giving opportunity to the petitioner and pass appropriate orders in accordance with law, within a period of three (03) months from the date of receipt of a copy of this order.
8. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

SD/- K. KASI RAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

To,


SECTION OFFICER

1. The Special Officer and Joint collector, Guduwada Municipality, Krishna District 521 301

2. The Commissioner, Guduwada Municipality Krishna District.
3. The Collector and Chairman, District Selection Committee, Krishna District
4. Government of A.P, rep.by Pri.Secretary to Government, MA and UD Department, A.P. Secretariat, Velagapudi, Guntur Dist., PIN- 522 238.
5. One CC to SRI. C SRINIVASA BABA Advocate [OPUC]
6. One CC to SRI. D.KASIM SAHEB(SC FOR MUNICIPALITIES SERVICE Advocate [OPUC]
7. One CC to Sri M Manohar Reddy, Advocate [OPUC].
8. One CC to Sri K Sridhar Murthy, Advocate[OPUC]
9. Two CCs to GP For Municipalities and Urban Dev, High Court of Andhra Pradesh [OUT].

10.Three CD Copies

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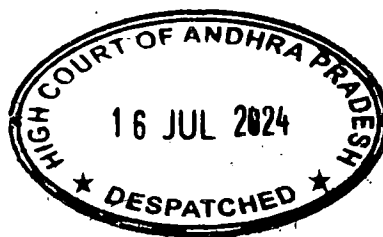
HIGH COURT

TL

DATED:04/07/2024

ORDER

WP.No.11411 of 2021



DISPOSING OF THE WP WITHOUT COSTS

[Handwritten signature]