

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.16976 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The Writ Petition is filed with the following prayer:

“.....declaring the action of the respondent No.3 in issuing the impugned vide Lr.No. SE/O/VJA/PO/JAO.I/ADM.U3/D.NO.1755/22 Dt. 07.05.2022 insisting the petitioner to pay all dues to third parties and subject to production of revised no due certificate from the 4th respondent as illegal arbitrary, without jurisdiction and consequently direct the respondents issue appointment order not to insist the petitioner to clear the dues to third parties in pending suits filed against the deceased father of the petitioner pursuant to the letter of the 3rd respondent Lr.No. SE/O/VJA/PO/JAO.I/ADM.U3/D.NO.1755/22 Dt. 07.05.2022 and pass”

3. The case of the petitioner is that her father worked as LI in the respondents' corporation and expired on 07.05.2021. She submitted an application seeking compassionate appointment. The 3rd respondent issued impugned letter dated 07.05.2022 stating that there are outstanding dues of her father and the appointment order will be issued only after clearing all the dues and after producing no due certificate from the concerned Executive Engineer. The petitioner cleared all the dues of the employees cooperative society and the said society issued no due certificate. But the impugned letter asks the petitioner to clear the dues pertaining to the third parties. Challenging the said impugned letter, the petitioner filed the present Writ Petition.

4. Learned counsel for the petitioner submits that in similar circumstances, W.P.No.18941/2020 was allowed.

5. In W.P.No.18941 of 2020, this Court held as follows:

“xxxx

6. However, as seen from the tenor of letter of the 2nd respondent, it appears that the 2nd respondent has taken up on himself to collect the alleged dues payable to certain third parties by the deceased father of petitioner. It is not known the authority basing on which the 2nd respondent has stated so in his letter and particularly as a condition precedent, while appointing the petitioner on compassionate grounds. The contents of this letter cannot in any manner be appreciated nor can make any sense, particularly having regard to the position in which the petitioner is placed. When the employer is expected to be very compassionate in accommodating any of the eligible legal heirs of the deceased employee, this action of the respondent is apparently harsh, as sought to be imposed on petitioner, in this manner.

7. Therefore, accepting the contention of the petitioner that the 2nd respondent cannot insist him to discharge all such alleged dues payable by his deceased father as a condition precedent for issuing appointment order, the request of the petitioner has to be accepted directing him to issue the appointment order on compassionate grounds.

8. In the result, this Writ Petition is allowed. The 2nd respondent is directed to issue appointment order to petitioner without insisting him to clear the alleged dues payable to the third parties by his deceased father and this exercise should be completed within a period of (2) two weeks from the date of receipt of copy of this order. No costs.

xxxx”

6. Mr.V.R.Reddy Kovvuri, learned Standing Counsel also does not dispute the fact that the facts of the present case are similar to the facts in W.P.No.18941/2020 and that the said order has become final.

7. In view of the facts and circumstances of the case, the 3rd respondent is directed to issue appointment order to the petitioner without insisting her to clear the alleged dues payable to third parties by her deceased father, if she is otherwise

eligible, and this exercise should be completed within a period of two (2) weeks from the date of receipt of copy of this order.

8. Accordingly, this Writ Petition is allowed. No order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 05.07.2022

Note:
CC by tomorrow
(B/o)
Rmn

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Date: 05.07.2022

Rmn