



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

[3331]

TUESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 17891/2024

Between:

- 1.B MADHU, W/O.LATE.B.GOVINDA RAJULU, GARDENER,
EMPLOYMENT NUMBER 16289 OFFICE OF THE GARDEN
SUPERINTENDENT, TIRUPATI, AGED 49 YEARS
- 2.SMT .A.NIVEDA, D/O.LATE B.GOVINDA RAJULU,
W/O.A.THUVARAM,AGED 28 YEARS,UNEMPLOYED (BOTH
RESIDENT OF D.NO1-119-2 PALEGURU STREET VADAMALA
VILLAGE,VADAMALAPET MANDAL,TIRUPATI DISTRICT).

...PETITIONER(S)

AND

- 1.THE TIRUMALA TIRUPATI DEVASTHANAM TTD, TTD
,REPRESENTED BY ITS EXECUTIVE OFFICER, TIRUPATI
DISTRICT.
- 2.THE JOINT EXECUTIVE OFFICER JEO, TTD ,TIRUPATI DISTRICT.
- 3.THE GARDEN SUPERINTENDENT, TTD, TIRUPATI DISTRICT.

...RESPONDENT(S):

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 more in the nature of writ of mandamus in declaring the action of the respondents in rejecting the case of the second petitioner for appointment on compassionate grounds through notice dated 04.09.2023 on the ground that the second petitioner is a married daughter relying upon the memo number 406/10/A.1/Admn.II/2004 dated

20.03.2004, is illegal, arbitrary, violative of Article 14 and 16 of the Constitution of India and accordingly set aside the rejection notice dated 04.09.2023 with consequential direction to the respondents to provide compassionate appointment to the second petitioner though she is a married daughter taking into consideration the judgments of this Honorable High Court and the Supreme Court of India as submitted in this affidavit as well as G.O.Ms.No 350 GA (Ser.A)/Deptt dated 30.07.1999, Circular Memo No RC/ENC/F2(I)/Cas/2023 dated 01.09.2023, and Memo No 116417/Ser.A/2003-1 dated 08.10.2003, and pass

IA NO: 1 OF 2024

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 2nd petitioner for compassionate appointment taking consideration G.O.Ms.No:350 GA (Ser.A)/Deptt dated Circular 30.07.1999, Memo No:RC/ENC/F2(I)/Cas/2023 dated: 01.09.2023, and Memo No: 116417/Ser.A/2003-1 dated:08.10.2003, by suspending the notice of the respondents dated 04.09.2023, and pass

Counsel for the Petitioner(S):

1.K R SRINIVAS

Counsel for the Respondent(S):

1.V R N PRASHANTH

The Court made the following:

:ORDER:

Heard learned Sri K.R.Srinivas, learned counsel for the petitioner and Sri Guna Sekhar, learned counsel representing Sri V.R.N.Prashanth, learned counsel for respondents 1 to 3.

2. The writ petition is filed impugning the proceedings issued by the Assistant Executive Officer (HR) dated 04.09.2023 rejecting the claim of the 2nd petitioner regarding compassionate appointment as illegal and arbitrary.

3. The 1st petitioner is the wife and the 2nd petitioner is the daughter of late Sri B.Govinda Rajulu, who worked as Gardner in the 3rd respondent

office, died in harness on 02.06.2021. The 1st petitioner made a representation in June, 2021 (Ex.P.3) requesting the respondent authorities to provide employment on compassionate grounds to the 2nd petitioner. The said application was rejected by the Assistant Executive Officer (HR) by impugned notice dated 04.09.2023 (Ex.P.4).

4. While rejecting the application, the authority observed as follows:

“The application as submitted by Smt B.Madhu W/o late B.Govinda Rajulu, Gardener GIS No.16289 has been examined in detail with reference to the memo 3rd cited, and it is informed that employment assistance to her married daughter Smt A.Nivedha is not considered on compassionate grounds.”

5. The memo referred to in the proceedings i.e. Memo No.406/10/A.1/Admn.II/2004, dated 20.03.2004, was issued giving certain clarifications regarding the married daughter's claim for appointment on compassionate grounds. In the said memo it was stated that once the marriage is performed, a daughter is not dependent on her father/mother even if she is unemployed or her husband is unemployed. A married daughter is dependent on her father/mother if she is living with her father/mother when her husband deserts her or disappears for years together or dies. In all such cases, the husband should not have left any property income to his wife and the married daughter is solely dependent on the support provided by her father/mother and is unemployed.

6. The said memo was considered by Hon'ble Division Bench of Composite High Court in **Commissioner of Police and Others vs. K.Padmaja**¹. Learned Single Judge of this Court also considered the memo in W.P.No.28931 of 2021 dated 20.01.2022. This court also considered the memo in W.P.No.30027 of 2023, dated 23.07.2024. The above writ petitions

¹ 2013 (4) ALT 501

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were allowed directing the respondents to consider the case of the petitioner therein to appointment on compassionate grounds.

7. Learned counsel for the respondents, at the hearing, would submit that all the requisite documents were not produced by the petitioner. The same was reputed by the learned counsel for the petitioner.

8. The order impugned does not indicate considering the aforementioned judgments, even though the memo is the subject matter of the aforementioned judgments. Apart from that, no reasons were assigned except stating that the case of the 2nd petitioner cannot be considered due to the memo. The authority should have assigned reasons by conducting an inquiry if necessary. Rejecting the application without considering the case objectively is impermissible.

9. Given the facts and circumstances of the case, the writ petition is allowed, by setting aside the proceedings dated 04.09.2023 (Ex.P.4) issued by the Assistant Executive Officer (HR) rejecting the claim of the 2nd petitioner for appointment under compassionate grounds. Respondents 1 and 2 shall consider the claim of the 2nd petitioner for appointment on compassionate grounds keeping in view the judgments reported in **Padmaja** (supra), W.P.No.28931 of 2021 dated 20.01.2022 and W.P.No.30027 of 2023 dated 23.07.2024. If the authorities insist production of documents, the petitioner shall produce relevant documents. The respondents shall conclude the inquiry within four (04) months from the date of receipt of the copy of the order strictly as per rules. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SUBBA REDDY SATTI, J

Dated 12.11.2024
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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.17891 OF 2024

Dated 12.11.2024

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