



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

[3330]

FRIDAY, THE 14th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 11340/2022

BETWEEN:

1. MANDAVA VENKATA SREEDHAR, S/o. VENKATA RAO, AGED 42 YEARS, R/O D.No.4-35/1, RAMALAYAM STREET, IBRAHIMPATNAM MANDAL, KRISHNA DISTRICT 521456.

...PETITIONER

AND

1. THE APGENCO, REP. BY ITS MANAGING DIRECTOR, VIDYUT SOUDHA, HYDERABAD.
2. THE CHIEF ENGINEER, O&M, Dr.NTTTPS(VTPS), VIJAYAWADA, KRISHNA 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 or direction more particularly one in the nature of writ of Mandamus, declaring the impugned action of the respondents in rejecting the case of the petitioner for compassionate appointment vide Letter Lr.No.CEE/O and M/DR.NTTTPS/ADM/C1/F62/D.No.476/2017, dated 27.03.2017, and further action of the respondents in not considering the case of the petitioner for compassionate appointment by extending the same relaxation on the terms and conditions as extended to others vide Memo No. GM(A)/DS(P)/AS(P)/P0.131/42/99-1, dated 28.12.1999, as highly illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and also

contrary to the Judgement of this Hon'ble Court in W.P.No.13954 OF 2010, dt 18.01.2021, as confirmed in W.A.No.158 OF 2021, dt 16.02.2022, in the interest of Justice and pass such other order or orders.

Counsel for the Petitioner:

1.G V SHIVAJI

Counsel for the Respondent(S):

1.NAGARAJU NAGURU

2..

3.K.KRISHNABUSHAN CHOWDARY SC For APGENCO

The Court made the following:

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/s:

“.....pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the impugned action of the respondents in rejecting the case of the petitioner for compassionate appointment vide Letter Lr.No.CEE/O&M/DR.NTTPS/ADM/C1/F62/D.No.476/2017, dated 27.03.2017, and further action of the respondents in not considering the case of the petitioner for compassionate appointment by extending the same relaxation on the terms and conditions as extended to others vide Memo No.GM(A)DS(P)/AS(P)/PO.131/42/99-1, dated 28.12.199, 12 highly illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and also contrary to the Judgment of this Hon'ble Court in W.P. No.13954 of 2010, dated 18.01.2021, as confirmed in W.A. No.158 of 2021, dated 16.02.2022, in the interest of Justice.....

2. The mother of the petitioner who was absorbed as Mazdoor vide B.P.Ms.No.272, dated 31.12.1997, thereafter she was re-designated as Junior Plant Attendant, which is last category post in A.P.GENCO Service. She died in harness while working as Junior Plant Attendant on 16.09.2016. The petitioner herein filed an application/representation dated 11.03.2017 and 23.08.2017 enclosing all the required documents

seeking appointment on compassionate grounds, and he also made a representation to the Hon'ble Minister for Energy, for the same purpose.

3. Even though, the petitioner possessed all the requisite qualifications, for non consideration of the petitioner's candidature for appointment on compassionate grounds, the present Writ Petition is filed

4. It is further asserted that the petitioner learnt about the appointment of M. Amarnath S/o M. Govaardhana Rao, as a Junior Plant Attendant, though, Amarnath's mother being an employee and earning member of the family working in Central Government as a Senior Section Supervisor in the P & T department and his father was a Divisional Engineer who died in harness. This is contrary to scheme B.P.M.S. No. 119 dated 10.02.1982. As a result, it is argued that the respondents cannot refuse the petitioner's compassionate appointment based on B.P.M.S. No. 119 dated 10.02.1982.

5. The respondents have filed their counter affidavit and it is asserted that in terms of BPMS No.119, dated 10.02.1982, when, "A child i.e. son or daughter, spouse of a deceased Board employee who dies in harness leaving his family in indigent circumstances, while in service, be appointed as Lower Division Clerk or equivalent post, attender and R.A. without the media of employment exchange, subject to the condition that there being no other earning member in the family, is not entitled for

compassionate appointment. In the present case, the petitioner's father is a pensioner in the respondent corporation, drawing pension of Rs.66,862/- per month. And in the case of M. Amarnath S/o. Late M. Govardhana Rao, Ex-DE/Electrical, was considered as a special case subject to the condition that the appointment shall not form a precedent for any other case in future. The said appointment was granted, since the performance of Late Sri M. Govardhana Rao, Ex.-D.E. (EI) was Par-Excellence as acclaimed by experts in Power Generation. Therefore, prayed to dismiss the Writ Petition.

6. Learned counsel for the petitioner relies on the order of this Court in W.P. No.13954 of 2010 dated 18.01.2021. Wherein, a Coordinate Bench of this Court directed the respondents therein to consider the case of the petitioner therein for compassionate appointment to extend the same relaxation of the terms and conditions that extended to Amarnath, bearing Memo dated 28.12.1999, observing that relaxation is equally applicable in other cases. The said order of the learned single Judge was questioned in W.A. No.158 of 2021, and the same was dismissed, upholding the order of the learned single Judge. Therefore, learned counsel appearing for the petitioner voiced that the relaxation that was given to the other employees and the same should be applicable to the petitioner herein.

7. It is well settled law in a catena of decisions held that the compassionate appointment is a concession shown by the employer to the family of a deceased employee to rescue the family from penury. The appointment on compassionate ground is not another source of recruitment but merely an exception to the aforesaid requirement taking into consideration the fact of the death of employee while in service leaving his family without any means of livelihood. In such cases the object is to enable the family to get over sudden financial crisis. But such appointments on compassionate ground have to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. In the present case, after the death of the petitioner's mother way back on 2016, the petitioner was able to sustain and eke out their livelihood till 2026, that is, for about 10 years. After such a long period of years, it is too difficult to hold that the family is still in penury.

8. Further, the incumbent has to satisfy the conditions prescribed for compassionate appointment, like the educational qualification and the age limit. In the present case, the petitioner has crossed the age limit and he is about 47 years, by virtue of this, this Court cannot direct the respondents to consider for compassionate appointment.

9. Accordingly, the present writ petition is dismissed. However, no order as to costs.

As a sequel, interlocutory applications, if any, pending in this writ petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 14.08.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.No. 11340 of 2022

Date: 14-08-2026

Harin