



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

[3573]

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 19718/2023

Between:

1. B SUSEELA, W/O LATE B.SURY RAO, SI OF POLICE, AGED ABOUT 54 YEARS, HOUSE WIFE, R/O OLD POST OFFICE ROAD, SALIVEEDHI, POOSAPATIREGA VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT.
2. Y.SRAVANTHI,, D/O LATE B. LATE B.SURY RAO, SI OF POLICE, AGED ABOUT 36 YEARS, HOUSE WIFE, R/O OLD POST OFFICE ROAD, SALIVEEDHI, POOSAPATIREGA VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, A.P. SECRETARIAT, AMARAVATI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, , VIZIANAGARAM DISTRICT.
3. THE SUPERINDENT OF POLICE, VIZIANAGARAM, VIZIANAGARAM DISTRICT.
4. THE TAHSILDAR, POOSAPATIREGA MANDAL. VIZIANAGARAM 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 be pleased to issue a Writ or order more particularly one in the

nature of Writ of Mandamus declaring the action of the 3rd respondent in rejecting the case of the petitioner for compassionate appointment of the 2nd petitioner by proceedings C.No.2722/A1/2022, dated 6-9-2022 as illegal, arbitrary, contrary to the G.O.M.S.No. 350, General Administration (Ser.A) dated 30-7-1999 and violation of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the proceedings issued by the 3rd respondent, dated 6-9-2022 by appointing the 2nd petitioner on compassionate grounds and pass such

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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 may be pleased to direct the 3rd respondent to consider the case of the petitioner to appoint the 2nd petitioner on compassionate appointment as per the G.O.M.S. No. 350, General Administration (Ser) Department, dated 30-7-1999 pending disposal of the main W.P. and pass such

Counsel for the Petitioner(S):

1. B S VENKATA RAMESH

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**WRIT PETITION NO: 19718/2023****ORDER:**

This Writ Petition is filed challenging the endorsement in C.No.2722/A1/2022, dated 06.09.2022, issued by the Superintendent of Police, Vizianagaram, rejecting the claim of the petitioner for compassionate appointment of the 2nd petitioner due to the death of her father, who worked as a Sub-Inspector of Police.

2. The case of the petitioners is that the father of petitioner No.2 and the husband of petitioner No.1 was working as a Sub-Inspector of Police in the office of respondent No.3 and died on 08.09.2021 while in service. The deceased, Surya Rao, and the 1st petitioner were blessed with one daughter, i.e., petitioner No.2, and one son by name B.Anantha Prasad. Consequently, upon the demise of the husband of the 1st petitioner, petitioners No.1 and 2, along with the children of petitioner No.2, being the dependents of the deceased employee, requested the respondents to provide compassionate appointment to the 2nd petitioner. Petitioner No.2 has completed PGDCA in Computer Applications and is also a graduate. The said claim of petitioner No.2 was rejected on the ground that

"When there is only a married daughter to the deceased Government Employee without older or younger brothers or sisters and the spouse of the deceased Government Employee is nor willing to avail the compassionate appointment such married daughter may be considered for compassionate appointment provided she is dependent on the deceased Government Employee and subject to

satisfying the other conditions and instructions issued on the scheme from time to time"

During enquiry conducted and basing on the report vide reference 4 cited, it came to notice of the undersigned that, the husband of Smt. Y.Sravanthi, Do Late B.Surya Rao, Si of Police ie Sri Y.Rajesh, So Ganeswara Rao R/o Sai Keerthana nagar, K.L.Puram, Vizianagaram is working as a Track Maintainer (Gang man) in Engineering Department, P.W Office, Cheepurupalli, Vizianagaram District which comes under East-Coast Railway, Waltair division and the applicant and her husband have not legally divorced so far despite living separately.

The applicant has suppressed the above facts while applying for compassionate appointment to her daughter. As per the enquiry report, Smt Y.Sravanthi, D/o Late B.Surya Rao, SI of Police is not dependent on her father since her husband is working in Central Government and also she is not legally divorced with her husband and hence her candidature cannot be considered for providing compassionate appointment.

3. The respondents have filed their counter-affidavit, raising the objection that petitioner No.2, being a married daughter, is not entitled for compassionate appointment under G.O.Ms.No.350, dated 30.07.1998. It is further stated that the husband of petitioner No.2 is working in the Railway Department. Though they are living separately, petitioner No.2 has not obtained a legal decree of divorce.

4. Heard SriB. S.Venkata Ramesh, learned counsel for the petitioner and Sri K.Varun Shyam Kumar, learned Assistant Government Pleader for Services-I. Perused the record.

5. As per the impugned endorsement dated 06.09.2022, the case of the petitioners was rejected on the ground that the husband of petitioner No.2 was

working as Track Maintainer (Gang man) in Engineering Department, P.W Office, Cheepurupalli, Vizianagaram District as informed by the concerned Division, and that petitioner No.2 and her husband have not legally obtained a decree of divorce so far. Despite the said stand of the respondents, the enquiry report submitted by the District Superintendent of Police, Vizianagaram, dated 03.09.2022, which is annexed to the counter-affidavit filed by the respondents, reads as follows::

During the inquiry, on examination, husband of the applicant, Sri Yedla Rajesh, So Ganeswara Rao, 41 yrs., T.Kapu, Plot.No.83, Sai Keerthana nagar, K.L.Puram, Vizianagaram (Cell.No: 9490844222) has stated that he has been working as a Track Maintainer (Gang man) in Engineering Department, P.W. Office, Cheepurupalli, Vizianagaram District which comes under East-Coast Railway, Waltair division since 2013. Previously, he had worked as a Peon at Railway officer's Bunglow, Visakhapatnam from 2005 to 2013 whereas his service was regularized as Gang man in the year 2013., In the year 2010, he married the applicant Smt Y. Sravanthi and after some time, some petty clashes broke out between his wife and him on the pretext that he was doing a small job and getting a little salary. Despite their family elders having held negotiations several times to sort out the disturbances, the result was not fruitful. Thereon, his wife (applicant) left him and has been with her parents since 2016. They have two children - 1 son and 1 daughter, who have been with his wife. Since 2016, there have been no come and go between both the families. He also stated that he and his wife have not legally obtained divorce so far.

6. As per the said report, the husband of petitioner No.2 was working in the Railway Department as Track Maintainer (Gang man) in Engineering Department, P.W Office, Cheepurupalli, Vizianagaram District. He married petitioner No.2 in the year 2010. Thereafter, disturbances arose in their marital

life, and petitioner No.2 has been living with her parents along with her children.

7. G.O.Ms.No.350 dated 30.07.1999 reads as under:

2. In para 2 (iii) of the G.O. Second read above, it has been ordered that where the deceased employee does not have any male child but leaves behind him/her a married daughter and an unmarried minor daughter, the choice of selecting one of them for appointment under the social Security scheme shall be left to the spouse of the deceased.

3. Certain cases have been referred to the Government seeking clarification for compassionate appointment of married daughter in cases where the deceased Government employee is having only a married daughter and spouse without any other children.

4. In such cases Government hereby clarify when there is only a married daughter to the deceased Government employee without older or younger brothers or sisters and the spouse of the deceased Government employee is not willing to avail the compassionate appointment, such married daughter may be considered for compassionate appointment, provided she is dependent on the deceased Government employee and subject to satisfying, the other conditions and instructions issued on the scheme from time to time,

8. It is clear from the above said G.O. that where the husband of a married daughter is a Government employee and is not providing financial assistance, and where the spouse of the deceased is not seeking compassionate appointment, such married daughter may be considered for compassionate appointment, provided she is dependent upon the deceased Government employee and subject to satisfying the conditions and instructions issued by the Government from time to time.

9. In the instant case, it is evident from the record, which is not disputed by the respondent authorities, as per the report submitted by the Inspector of Police to respondent No.3 regarding the family, that there are disputes between the husband and wife, and petitioner No.2 has been residing with her parents and is dependent upon her deceased father along with her children. An affidavit was also filed by petitioner No.1 along with the application seeking compassionate appointment, explaining that her daughter is dependent upon the family, that there are no earning members in the family, and that due to disputes between the daughter and her husband, she has been living separately from her husband along with her children and dependant on her father. The same is supported by the report of the Inspector of Police, as discussed above.

10. The material annexed to the application, namely the Family Members Certificate, Dependent Certificate, Financial Status Certificate, and No Earning Member Certificate, clearly indicates that petitioner No.2 is entitled to compassionate appointment on account of the death of her father and that she was dependent upon the deceased employee.

11. Considering the material on record, the provisions of G.O.Ms.No.350, dated 30.07.1998, as well as the impugned endorsement dated 06.09.2022, this Court is of the opinion that the respondents cannot sustain the reason assigned in the impugned endorsement. There is no requirement of a legal divorce between the husband and wife for a married daughter to become eligible for compassionate appointment on the death of her father while he

was in service. The only requirement is that she should have been dependent upon the deceased Government employee. Since petitioner No.2 was dependent upon her deceased father, she is entitled to be considered for compassionate appointment.

12. Accordingly, the impugned endorsement dated 06.09.2022 is hereby set aside, and the respondent authorities are directed to consider the case of petitioner No.2 for compassionate appointment within a period of three (03) months from the date of receipt of a copy of this order.

13. With the above observations, the Writ Petition is allowed. There shall be no order as to costs.

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

BALAJI MEDAMALLI, J

Date: 21.07.2026
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THE HONOURABLE JUSTICE BALAJI MEDAMALLI

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