

**WRIT APPEAL NO: 154 of 2025**

Neppali Gowri Sankar

...Appellant

Vs.

The Guntur Municipal Corporation and Others

...Respondent(s)

**CORAM : HON'BLE MRS JUSTICE LISA GILL
HON'BLE MR JUSTICE NINALA JAYASURYA****DATE : 23rd April 2026**

Present: Mr.A.Rajendra Babu, Advocate for appellant.

Mr.A.S.C.Bose, Standing Counsel for Municipal
Corporation for respondents No.1 and 2.Mr.Vuyyuru Ram Manohar, Assistant Government
Pleader for Services-I, for respondent No.3.

Date on which order was reserved : 01.04.2026

Date on which order was pronounced : 23.04.2026

LISA GILL, J.

This appeal has been filed by appellant / writ petitioner for setting aside decision dated 14.10.2024 passed by learned Single Judge whereby writ petition filed by present appellant was dismissed.

2. Above said writ petition was filed by petitioner seeking setting aside of order dated 12.03.2020 passed by respondent No.1 whereby his claim for appointment on compassionate grounds was rejected. Petitioner pleaded that

Smt.Neppalli Deekshayamma, an employee of respondent No.1-Municipal Corporation, Guntur unfortunately passed away in harness on 05.04.2016 while working as Sweeper. She was married to one Neppalli Kotaiah, after the death of his first wife Machamma. Neppalli Kotaiah and Machamma were blessed with a son namely Saibabu. Saibabu married Sarojini and they were blessed with a son i.e., present petitioner. Neppalli Kotaiah and Deekshayamma adopted present petitioner on 12.10.1986 with Adoption Deed being registered on 26.10.1987.

3. Last rites of Deekshayamma were performed by petitioner after her death on 05.04.2016. Petitioner sought appointment on compassionate grounds after her death.

4. Respondent No.1 referred the matter to respondent No.2 raising the issue that Sri N.Sai Babu who is natural father of petitioner was also an employee of Municipal Corporation, and had retired in the year 2017 from post of Sanitary Inspector; hence petitioner being natural son of Sai Babu and adopted son of Deekshayamma may not be eligible for appointment on compassionate grounds. Clarification was sought.

5. W.P.No.15377 of 2019 was filed when a final decision on petitioner's claim was not being taken. Writ petition was disposed of on 01.10.2019 directing respondents to pass an appropriate order within six (6) weeks from the date of receipt of a copy of the order. Petitioner's claim was rejected by impugned order dated 12.03.2020 while observing that deceased i.e. adoptive mother, Deekshayamma already had a surviving Hindu son i.e., N.Saibabu (father of petitioner) living at the time of adoption therefore such adoption was not valid.

6. Aggrieved therefrom W.P.No.9788 of 2023 was then filed by petitioner. Learned Single Judge, on considering facts and circumstances, concluded that petitioner's claim has been rightly rejected. Aggrieved of said order dated 14.10.2024, present appeal has been filed.

7. Learned counsel for appellant vehemently argued that impugned decision dated 14.10.2024 has been incorrectly passed without considering the controversy in its correct prospective. It was argued by learned counsel for appellant that Saibabu is not a natural son of Kotaiah and Deekshayamma; Saibabu is son of Kotaiah from his first marriage, therefore, he is a step son to deceased Deekshayamma. She was thus well within her rights to have adopted present petitioner. Petitioner's claim for appointment on compassionate grounds has been incorrectly rejected. It is thus prayed that this appeal and consequently writ petition be allowed as prayed for.

8. Learned counsel for respondents opposed this appeal while submitting that impugned order dated 14.10.2024 has been correctly passed in accordance with law.

9. We heard learned counsel for parties and have carefully perused the file.

10. It is a matter of record that Smt.Neppalli Deekshyamma was serving in respondent–Corporation as a Sweeper when she passed away on 05.04.2016. It is further not in dispute that present petitioner is natural son of Saibabu (Son of N.Kotaiah and Machamma, first wife of Kotaiah). It is the case of appellant that he was adopted by N.Kotaiah, admittedly, his grandfather and Deekshayamma on 12.10.1996. At this stage, it is relevant to refer

to Section 6 of Hindu Adoption and Maintenance Act, 1956 (for short, 'the Act'), wherein requisites for a valid Adoption are detailed.

6. Requisites of a valid adoption – No adoption shall be valid unless—

- (i) the person adopting has the capacity, and also the right, to take in adoption;
- (ii) the person giving in adoption has the capacity to do so;
- (iii) the person adopted is capable of being taken in adoption; and
- (iv) the adoption is made in compliance with the other conditions mentioned in this Chapter.

Other conditions prescribed in Section 11 of Act as under:

11. Other conditions for a valid adoption.- In every adoption, the following conditions must be complied with:-

- (i) if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption;

11. It has thus been correctly held that adoption of appellant by N.Kotaiah and Deekshayamma when their natural son namely Saibabu (father of appellant/petitioner) is alive is not permissible. It is pertinent to note at this stage that adoption of petitioner has not been carried out by Deekshayamma alone. As per Adoption Deed, dated 26.10.1987 available on record, it is both N.Kotaiah and Deekshayamma, who have taken petitioner in adoption.

12. Gainful reference in this respect can be made to judgments of Hon'ble the Supreme Court in **Shakuntala Sawhney vs. Kaushalya Sawhney**¹ as well as in **Salekh Chand (Dead) by Lrs. vs. Satya Gupta and Ors.**²

13. Apart from the above, there is another aspect which needs to be considered. It is a settled position that appointment on compassionate basis is not a matter of right and is a measure adopted to help family of a deceased employee to tide over an immediate crisis which may arise on his or her death. Principles regarding appointment on compassionate basis had been encapsulated succinctly in case of **Umesh Kumar Nagpal v. State of Haryana**³. It has been specifically held therein that whole object of granting compassionate employment is to enable the family to tide over a sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. The favourable treatment given to such dependant of deceased employee in such post has a rational nexus with the object to be achieved, i.e., relief against destitution. It was further cautioned in this context that as against destitute family of the deceased employee there are millions of other families which are equally, if not more destitute. These principles were upheld and reiterated in a number of subsequent decisions by Hon'ble Supreme Court. Reference can be made to one such judgment i.e. **State of West Bengal v. Debabrata Tiwari and Ors**⁴.

14. There is indeed nothing on record to indicate that petitioner was or is in such state of penury that would otherwise also call for appointment at this stage. It is further to be noted that upon pointed query, learned counsel for appellant informed that date of birth of present appellant is 16.08.1984. He

¹ (1980) 1 SCC 63

² (2008) 13 SCC 119

³ (1994) 4 SCC 138,

⁴ AIR 2023 SC 1467

was about 32 years old at the time of death of his adoptive mother on 15.04.2016 and he is admittedly married having two children.

15. It is to be reiterated that there is no such material on record that petitioner was or is destitute and was totally dependent on the deceased employee. Relationship between parties i.e., petitioner being the son of Saibabu (son of Neppali Kotaiah and his first wife Machamma) has already been detailed in the foregoing paras. We find no ground whatsoever to direct appointment of petitioner on compassionate grounds.

16. Learned counsel for appellant is unable to point out any illegality or irregularity in the impugned order dated 14.10.2024 passed by learned Single Bench which calls for interference by this Court in exercise of appellate jurisdiction.

17. No other argument was addressed.

18. This appeal is accordingly dismissed being devoid of any merits. No order as to costs. Pending miscellaneous application(s) if any, are disposed of, accordingly.

(LISA GILL)
JUDGE

(NINALA JAYASURYA)
JUDGE

Date:23.04.2026
KA

Uploaded on:

HON'BLE MRS JUSTICE LISA GILL

HON'BLE MR JUSTICE NINALA JAYASURYA

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