



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

[3457]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 19945/2014

Between:

1.SMT. MAJJI DEVI, W/O. LATE MVS NARAYANA,, OCC :
HOUSEWIFE, R/O. 9-28, PATHA ADVIVARAM, SIMHACHALAM,
VISAKHAPATNAM DIST.

...PETITIONER

AND

1.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
REP. BY ITS CHAIRMAN-CUM-MANAGING DIRECTOR,
MUSHEERBAD, HYDERBAD.

2.THE REGIONAL MANAGER APSRTC, VIZIANAGARAM REGION,
VIZIANAGARAM.

3.THE DEPOT MANAGER APSRTC, VIZIANAGARAM DEPOT,
VIZIANAGARAM.

...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 proceedings in Lr.No.Dy.Sup/785(3)/13/RM-VZM: dt. 20-03-2014 issued by 2nd respondent as wholly illegal, arbitrary, unjustified, discriminatory, ab-inio viod and violative of Article 14, 16 and 21 of the Constitution of India, and consequently direct the respondents to place the application of petitioner at an appropriate place in the seniority list based upon date of death of employee (petitioner's

husband being 27-11-1999) under the peculiar circumstances, and consider the case of the petitioner for appointment under Bread Winner Scheme duly granting exemption of Educational Qualifications prescribed in Circular PD.No. 30/2000, dt. 5-5-2000,

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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 to forthwith direct the respondents to consider the case of the petitioner for appointment in any suitable post under Bread Winner Scheme without reference to impugned proceedings of 2nd respondent in Lr.No.Dy.Sup/785(3)/13/RM-VZM: dt.20-03-2014, pending disposal of the above writ petition.

Counsel for the Petitioner:

1.VANAM VISHWANATHAM

Counsel for the Respondent(S):

1.K SRINIVASA PRASAD SC For APSRTC

The Court made the following:

ORDER:-

Petitioner is seeking to set aside the order dated 20.03.2014, whereby her application for job under bread-winner scheme was rejected by referring to Circular 29/2010, dated 01.06.2010, which would mandate the applicant to submit an application within a period of five years from the date of death of the deceased employee. The impugned proceedings would refer to the instance of the application submitted by the dependent of the deceased employee after the stipulated period of 05 years i.e. on 02.03.2007 and as such her candidature was not considered for appointment in A.P.S.R.T.C.

2. It is the specific case of the petitioner that the petitioner's husband was removed from service on 13.11.1996 for absenting from duty. The appeal preferred by the petitioner's husband was rejected on 02.12.1997. The review preferred by the petitioner's husband was allowed on 27.01.2000. The petitioner's husband passed away on 27.11.1999 in an accident i.e., 02 months prior to the 2nd respondent allowing the review petition. The petitioner submitted representation on 02.03.2000 seeking appointment under the bread-winner scheme by treating the death of the husband of the petitioner while he was in service in view of the orders passed in review application.

3. The 3rd respondent rejected the application of the petitioner vide proceedings dated 03.05.2000, stated that the petitioner is not entitled for the death benefits as he expired on 27.11.1999 and as on the date of expiry of the petitioner's husband he was removed from services. Aggrieved by the same, the petitioner filed W.P.No.22571 of 2000 seeking release of death benefits.

The writ petition was allowed on 05.12.2000 and this Court directed the respondent corporation to consider the case of the petitioner under the bread-winner scheme by considering the facts and circumstances of the case.

4. The respondents have filed Writ Appeal No.273 of 2001 which was dismissed by the Division Bench of this Court vide order dated 01.09.2005 and the learned Division Bench held that there was no merit in the appeal and the case of the writ petitioner squarely falls within the parameters for the purpose of consideration under bread-winner scheme and dismissed the writ appeal. Thereafter, the petitioner approached the respondents for considering the petitioner for appointment. The respondents have issued proceedings dated 02.06.2006, suggesting the petitioner to accept additional monetary benefits in lieu of employment. The petitioner filed C.C.No.727 of 2006 aggrieved by the inaction of the respondents. The respondents rejected the case of the petitioner on the ground that the petitioner does not possess the minimum qualification for appointment and that the respondents have passed orders dated 29.07.2006 which could be challenged afresh and the contempt case was dismissed.

5. The petitioner filed W.P.No.25024 of 2006 aggrieved by the order dated 29.07.2006 and a learned Single Judge of this Court had disposed off the writ petition, directing the respondent corporation to consider the case of the petitioner to provide any suitable post to the petitioner in light of G.O.Ms.No.2 dated 05.01.2013 and consequential notification dated 02.03.2013.

6. The respondents, instead of considering the case of the petitioner, have issued the impugned proceedings dated 20.03.2014 and referred to the Circular dated 01.06.2010 which should mandate the applicants to submit application for consideration of employment under bread-winner scheme within a period of 05 years from the date of death of the deceased employee. The impugned proceedings would state that the petitioner had submitted application on 02.03.2007, which is beyond the stipulated period of 05 years. On these grounds, the application of the petitioner for compassionate appointment under bread-winner scheme was rejected.

7. Learned Standing Counsel appearing for the respondents submits that the petitioner would have to submit an application in terms of Circular No.29 which would mandate any dependent of deceased employee to submit application for compassionate appointment within a period of 05 years from the date of the demise of the employee. In the instant case, the application is submitted with a delay of 2 years 6 months and in that view, the petitioner is not considered.

8. Heard the learned counsel for the respondents.

9. Perused the record.

10. The order under challenge deserves to be set aside for the following reasons:

11. The petitioner was directed to be considered for appointment under the bread-winner scheme by the orders of a learned Single Judge of this Court in

W.P.No.22571 of 2000. The writ appeal which was filed by the respondents was dismissed and the learned Division Bench of this Court had categorically observed that the writ petitioner falls squarely within the parameters for consideration under bread-winner scheme. The contempt was closed in pursuance of an order passed on 29.07.2006 rejecting the case of the petitioner for compassionate appointment and the Writ Appellate Court left it open for the petitioner to challenge the same by filing fresh proceedings.

12. The petitioner filed W.P.No.25024 of 2006 and this Court had set aside the impugned proceedings and directed the respondents to consider the case of the petitioner in pursuance of G.O.Ms.No.2 dated 05.01.2013 and consequential notification dated 02.03.2013. Unmindful of the directions of this Court and the repeated directions of this Court, the respondents have now passed the impugned proceedings by referring to Circular No.29/2010 dated 01.06.2010.

13. The manner in which the respondent authority has dealt with the case of the petitioner simply demonstrates the insensitivity of the respondent corporation towards the dependents of the deceased employees. There was no reason for the respondents to pass the impugned proceedings while there were specific directions of this Court.

14. The attempt of the respondents in trying to deny employment to the petitioner are glaringly evident from the erroneous orders repeatedly passed by the respondents which were set aside by this Court.

15. Now that the respondent corporation has merged with the Government of Andhra Pradesh, this Court is of the considered view that Government of Andhra Pradesh represented by the Principal Secretary, General Administration, Secretariat, Velagapudi is suo motu impleaded as a party respondent and the government would have to consider, accommodating the petitioner in a suitable post in the respondent corporation. The said orders shall be passed within a period of eight (8) weeks from the date of receipt of this order. The petitioner shall submit a fresh representation to the respondents including the Principal Secretary, General Administration, Velagapudi, along with a copy of this order and the respondents shall pass orders duly appointing the petitioner in an appropriate post in Respondent Corporation.

16. Accordingly, the Writ Petition is disposed off. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date.22.04.2026
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