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C.A.No. 3317 OF 1998

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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ITEM NO. 104 COURT NO. 7 SECTION XII A

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3317/1998

Managing Director, A.P.S.R.T. .. Appellant (s)
& Ors.
Vs.

K Venkata Krishnaiah .. Respondent(s)

(With Office Report)

DATE : 26.9.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : L. Nageshwar Rao, Sr. Adv.
Mr. G Ramakrishna Prasad, Adv.
Mr. Jayanth Muthraj, Adv.
Mr. Guntur Prabhakar, Adv.

For Respondent (s) :

UPON hearing counsel the Court made the following

O R D E R

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The appeal is allowed in terms of the signed
order.

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Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3317/1998@@
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Managing Director, A.P.S.R.T. .. Appellants
& Ors.

Vs.

K. Venkata Krishnaiah .. Respondent

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The Respondent's father who was a Driver in the Establishment of the appellants died on 20.12.1986 while still in employment. On his death an application was made by the respondent for appointment on compassionate grounds. The appellants not having appointed him, he filed a writ petition before the High court. The High Court after examining the Scheme applicable directed that the appellants should provide an employment to the respondent if necessary by creating a supernumerary post of cleaner or any suitable post within three months from the date of receipt of the order, if he is otherwise qualified and in accordance with the circulars in force. Hence this appeal.

The grievance made on behalf of the appellants is that there are difficulties in creation of new posts particularly to the post of a Cleaner or any other post. All that they can do is to include the name of the

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Respondent in the appropriate waiting list meant for compassionate appointment and give him a suitable appointment on priority basis. We think the suggestion made on behalf of the appellants is reasonable and the view taken by the High Court in giving a direction to create a supernumerary post cannot be sustained at all in the light of our several earlier judgments, including, in the case of A.P.S.R.T.C. & Ors. Vs. Kaiser Begum -@@
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1998 (9) SCC 398. Hence the order of the High Court is modified and this appeal is allowed in part as stated above.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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September 26,2001 @@
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