

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
and
THE HON'BLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT APPEAL NO : 1561 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated _____ in WP NO : 24152 OF 2000 on the file of the High
Court.)

Between:

..... APPELLANT

AND

.....RESPONDENT

Counsel for the Appellant:MR.A.V.SIVAIAH

Counsel for the Respondent No.: MR.P.VEERA REDDY

The Court made the following :

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HONOURABLE SRI JUSTICE V.ESWARAIAH

AND

HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

W.A.No.1561 of 2001

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JUDGMENT: (Per Hon'ble Sri Justice V. Eswaraiah)

Aggrieved by the order of the learned Single Judge passed in W.P.No.24152 of 2000, dated 08-08-2001, in allowing the writ petition filed by the respondent herein, this writ appeal has been filed contending that the husband of the respondent, who was working as a driver, died in harness on 08-12-1997 and the respondent filed an application for appointment for the post of Attender or Sweeper on compassionate grounds on 08-02-1998. Later, the respondent was informed by a letter dated 14-09-1998 stating that there is a ban on the recruitment for the post of attender/sweeper and accordingly, she was advised to claim additional monitory benefits in lieu of the employment.

2. The learned Single Judge following the judgment of a Division Bench of this Court, reported in **A.P.S.R.T.C., IMLIBAN, HYDERABAD v. ABIDHA KHANAM**^[1], disposed of the writ petition directing the appellants-A.P.S.R.T.C. to consider in dispose of the application of the respondent, whose husband was died in harness while working as a driver, for the post of Sweeper or Attender.

3. This Court while admitting the writ appeal, granted *status quo*. Therefore, the respondent was not given any order of appointment.

4. Learned counsel for the appellants submits that when there is a scheme for the monitory benefits in lieu of the compassionate appointment, the dependants of the deceased employees, as a matter of right, cannot claim for the appointment.

5. It is stated that when the husband of the respondent died, the scheme for the monitory benefits is in force. In somewhat similar cases, the Supreme Court in Civil Appeal No.9748 of 1997, dated 10-12-1997, which was reported in **A.P.S.R.T.C. AND OTHERS v. KHAISER BEGUM**^[2], held that the rights of the claimants are governed by the scheme which the employer may provide for appointment on compassionate grounds, and the same was reiterated in various other judgments.

6. In view of the aforesaid judgments, we are of the opinion that the respondent is entitled for monitory benefits in lieu of the compassionate appointment.

7. Accordingly, the order of the learned Single Judge is modified directing the appellants to consider the case of the respondent and pay the additional monitory benefits in lieu of the employment under the monitory scheme, within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforementioned direction, the Writ Appeal is disposed of. No costs.

JUSTICE V.ESWARIAH

JUSTICE VILAS V. AFZULPURKAR

2nd March, 2009
Kvr

^[1] (2000 (4) ALD 435

[\[2\]](#) 1998 (9) S.C.C. 398