IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FIFTEENTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 998 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 30/04/2025 in W.P.No.5240 of 2018. on the file of the High Court.

Between:

THE CHIEF EXECUTIVE OFFICER, Zilla Parishad Vikarabad District, Telangana State. Erst While Ranga Reddy District)

.....APPELLANTS/RESPONDENT No.4

AND

1. B KISTAMMA, W/o Late Ramchandraiah, Age 38 years ,Occ- Housewife Kompally Village, Vikarabad Mandal, Ranga Reddy District, Telangana State.

....RESPONDENT/PETITIONER

2. THE STATE OF TELANGANA, rep by its Principal Secretary School Education Dept, Telangana Secretariat Buildings, Hyderabad.
3. THE STATE OF TELANGANA, rep by its Principal Secretary PR and RD Dept. Telangana Secretariat Buildings, Hyderabad.
4. THE DISTRICT EDUCATIONAL OFFICER, Vikarabad District, Telangana State, (Erst While Ranga Reddy District)
5. THE DISTRICT COLLECTOR, Vikarabad District, Telangana State. (Erst While Ranga Reddy District)

.....RESPONDENTS/RESPONDENTS

I.A.NO:2 OF 2025

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 SUSPEND the Order Dated 30.04.2025 in W.P.No.5240 of 2018 passed by the learned Single Judge of this Hon'ble High Court.

Counsel for Appellant : SRI PRADEEP REDDY KATTA (SC FOR TG ZILLA PARISHAD)

Counsel for the Respondent No.1 : SRI CH.GANESH

Counsel for the Respondent Nos.2 & 3 : SMT M.SHALINI, LEARNED G.P FOR SERVICES – II

Counsel for the Respondent No.4 : G.P FOR EDUCATION

Counsel for the Respondent No.5 : G.P FOR REVENUE

The Court made the following JUDGMENT : -

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No. 998 of 2025

JUDGMENT:

Sri K. Pradeep Reddy, learned counsel appears for the appellant.

Sri Ch. Ganesh, learned counsel appears for the respondent/writ petitioner.

Smt. M. Shalini, learned Government Pleader for Services-II appears for respondent Nos.2 and 3.

2. Appellant – Chief Executive Officer, Zilla Parishad Vikarabad District, is respondent No.4 in the Writ Petition. Respondent No.1/writ petitioner is the wife of late Ramchandraiah, who passed away on 02.01.2016 while working at Primary School, Kompally, Vikarabad Mandal, Ranga Reddy District.

3. Respondent No.1 filed Writ Petition No.5240 of 2018 with a prayer that the action of the appellant and respondent Nos.2 to 5 herein in not implementing the order dated 02.08.2016 passed by the Andhra Pradesh Administrative

Tribunal, Hyderabad, in O.A.No.2996 of 2016, for compassionate appointment as per G.O.Ms.No.118 dated 18.08.1999, is illegal, arbitrary and discriminatory. She has also prayed for issuing a direction to the appellant and respondent Nos.2 to 5 herein to appoint her on compassionate grounds as per G.O.Ms.No.118 dated 18.08.1999 by implementing the orders passed by the Tribunal in the aforesaid O.A. She has also prayed for consequential monetary benefits. The learned writ Court allowed the same *vide* order dated 30.04.2025, against which, the present Writ Appeal has arisen.

4. In the counter-affidavit filed before the writ Court, the appellant/respondent No.4 has categorically taken a stand in para 7 that pursuant to the order dated 02.08.2016 passed by the learned Tribunal in O.A.No.2996 of 2016, the appellant had passed a speaking order dated 22.10.2016 and communicated the same to respondent No.1/writ petitioner as well as her Advocate. The said order was not challenged by respondent No.1.

5. By the said order dated 22.10.2016, the appellant rejected the claim of respondent No.1 on the ground that her husband was appointed as part-time worker on 02.06.1986 but not prior to 25.11.1993 and thus, he had not completed ten (10) years of continuous service in the same cadre as per the norms in G.O.Ms.Nos.112 and 118 dated 23.07.1997 and 18.08.1999 respectively. Therefore, the question of regularization of services of the husband of respondent No.1 did not arise. Hence, the claim of respondent No.1 for her compassionate appointment was not entertained.

6. Without there being any challenge to the said rejection order dated 22.10.2016, the learned writ Court by the impugned order set aside the same and allowed the Writ Petition with the direction upon the appellant to pass appropriate order for compassionate appointment of respondent No.1 within the stipulated period. Therefore, respondent No.4 in the Writ Petition being aggrieved preferred this appeal.

7. Learned counsel for the appellant submits that the deceased was only a part-time worker and was not eligible for regularization of his services as per G.O.Ms.Nos.212 and 112 dated 22.04.1994 and 23.07.1997, respectively. Therefore, his services could not be regularized. The cases of dependents can be considered for compassionate appointment from the date of issuance of such regularization orders only when the services of deceased part-time workers were regularized. The husband of respondent No.1 was not appointed prior to the effective date i.e., 25.11.1983 nor completed ten (10) years continuous service as per the norms prescribed by the Government *vide* G.O.Ms.Nos.112 and 118 dated 23.07.1997 and 18.08.1999 respectively. In order to seek an effective relief, it was incumbent upon the writ petitioner to assail the speaking order dated 22.10.2016, by which, the claim for regularization of services of her husband after his death was rejected by the appellant. Even then, the learned writ Court proceeded to quash the said order dated 22.10.2016 and further, directed the appellant to pass appropriate orders for appointment of respondent No.1 on compassionate grounds.

8. On behalf of the writ petitioner, reference is made to the order dated 06.12.2012 passed by the erstwhile High Court of Andhra Pradesh in Writ Petition No.5916 of 2011 and the order dated 11.07.2011 passed by the Hon'ble Supreme Court in Special Leave Petition (CC) No.10630 of 2011, which arose out of the order dated 13.11.2009 passed in Writ Petition No.1045 of 2007 by the erstwhile High Court of Andhra Pradesh. The said Special Leave Petition was dismissed on the ground of delay as also on merits. From a perusal of the order passed in Writ Petition No.5916 of 2011 by the learned Division Bench of erstwhile High Court of Andhra Pradesh, it appears that the grievance of the petitioner therein was in relation to the non-payment of minimum wages as per the Minimum Wages Act, 1948, as they were treated as part-time Sweepers though working on full time basis. It was in those circumstances, the learned Division Bench referred to the order passed in Writ Petition No.1045 of 2007 and dismissal of aforesaid SLP preferred by the Medical & Health Department against that.

9. Learned counsel for respondent No.1/writ petitioner submits that the learned writ Court was persuaded by the reasoning and the view taken by the learned Division Bench in Writ Petition No.5916 of 2011 while granting the relief as the case of husband of respondent No.1 herein was similar to that of respondent Nos.1 to 4 therein. Therefore, upon the regularization of the services of her husband, respondent No.1 is entitled to compassionate appointment as he had died in harness.

10. We have considered the submissions of the learned counsel for the parties and taken note of the relevant pleadings referred to hereinabove. In the absence of challenge to the order dated 22.10.2016 whereby the appellant rejected the claim of respondent No.1 for regularization of services of her husband, the learned writ Court ought not to have set aside the said order. Moreover, upon perusal of the order dated 22.10.2016, it appears that it has been passed in compliance with the order dated 02.08.2016 passed in O.A.No.2996 of 2016 by the learned Tribunal. The case of the husband of

respondent No.1 did not fall under the norms prescribed by the Government in G.O.Ms.Nos.112 and 118 dated 23.07.1997 and 18.08.1999 respectively, since he was engaged initially as a part-time worker on 02.06.1986 and he had not completed ten (10) years continuous service prior to 25.11.1993. He had expired on 02.01.2016. The appellant therefore refused to allow the claim of respondent No.1 for regularization of services of her husband. The order of rejection, though not under challenge, contains valid reasons for rejection of the claim of regularization of the services of husband of respondent No.1. Regularization of the services of husband of respondent No.1 could not be made as his case was not falling within the scope of the above Government Orders. The claim of respondent No.1 for compassionate appointment could not be considered as her husband, the part-time worker, could not be treated as died in harness as a regular employee. The learned writ Court thereby committed error. Therefore, we are inclined to interfere with in the order passed by the learned writ Court.

Accordingly, the order dated 30.04.2025 is set aside and the instant Writ Appeal is allowed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, School Education Dept, Telangana Secretariat Buildings, State Of Telangana at Hyderabad.
2. The Principal Secretary, PR and RD Dept. Telangana Secretariat Buildings, State of Telangana at Hyderabad.
3. The District Educational Officer, Vikarabad District, Telangana State, (Erst While Ranga Reddy District)
4. The District Collector, Vikarabad District, Telangana State. (Erst While Ranga Reddy District)
5. Two CC's to G.P FOR SERVICES-II, High Court for the State of Telangana at Hyderabad. (OUT)
6. Two CC's to G.P FOR REVENUE, High Court for the State of Telangana at Hyderabad. (OUT)
7. Two CC's to G.P FOR EDUCATION, High Court for the State of Telangana at Hyderabad. (OUT)
8. One CC to SRI PRADEEP REDDY KATTA (SC FOR TG ZILLA PARISHAD) Advocate [OPUC]
9. One CC to SRI CH.GANESH, Advocate [OPUC]
10. Two CD Copies

SA
BS

HIGH COURT

DATED:15/09/2025



JUDGMENT

WA.No.998 of 2025

ALLOWING THE W.A

WITHOUT COSTS.

(15) PA

20/9/25