



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

[3458]

FRIDAY, THE TWENTY NINETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 42605 OF 2022

Between:

1.NIMMALA SARADA, AGED ABOUT 29 YEARS, W/O NALLAM AJAY VENKATA NARASIMHA RAO, D/O (LATE) NIMMALA VENKATESWARA RAO, RES/AT D.NO. 10-1-63, 9TH WARD, BHIMAVARAM TOWN AND MANDAL, WEST GODAVARI DISTRICT, A.P.

...PETITIONER

AND

- 1.THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY, HEALTH, MEDICAL AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE DIRECTOR, INSURANCE MEDICAL SERVICES, VIJAYAWADA, KRISHNA DISTRICT, A.P.
- 3.THE JOINT DIRECTOR, INSURANCE MEDICAL SERVICES, VIJAYAWADA, KRISHNA DISTRICT, A.P.
- 4.THE INCHARGE MEDICAL OFFICER, ESI DISPENSARY, BHIMAVARAM, WEST GODAVARI DISTRICT.
- 5.THE INCHARGE MEDICAL OFFICER, ESI DISPENSARY, NIDADAVOLU, WEST GODAVARI DISTRICT.

...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 topleased to issue a Writ of Mandamus, or other appropriate writ, order or direction, declaring the proceedings vide RC.No.1566371/E3/2021, dated 22-01-2022 issued by the 3rd respondent herein rejecting the case of the petitioner for compassionate appointment and proceedings of 3rd Respondent cancelling appointment order vide proceedings in Rc.No.1566371/E2/2021, dated 30/12/2021 as illegal, arbitrary, unreasonable and violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to consider the case of the petitioner for compassionate appointment and pass

IA NO: 1 OF 2022

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 direct the respondents 2 to 5 herein to consider and appoint the petitioner on compassionate grounds by suspending the proceedings issued by the 3rd respondent vide RC.No.1566371/E3/2021 dated 22-01-2022, pending disposal of the writ petition and pass

IA NO: 1 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 grant leave to file counter affidavit in W.P.No.42605 of 2022 and pass

Counsel for the Petitioner:

1. P DURGA PRASAD

Counsel for the Respondent(S):

1. GP FOR SERVICES III
2. GP FOR SERVICES IV
3. GP FOR SERVICES II

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**WRIT PETITION NO: 42605 OF 2022****The Court made the following order:**

The writ petition is filed challenging the proceedings dated 22.01.2022 issued by the 3rd respondent in rejecting the case of the petitioner for compassionate appointment and proceedings of the 3rd respondent cancelling appointment order dated 30.12.2021.

2. Heard Sri P.Durga Prasad, learned counsel for the petitioner and learned Assistant Government Pleader for Services-IV appearing for the respondents.

3. It is contended that the petitioner's father, while working as MNO at the ESI Dispensary in Bhimavaram, West Godavari District, died on 27.05.2021, leaving behind his wife and two daughters as his legal heirs. The petitioner is the youngest daughter of the deceased, who was married, and the elder daughter of the deceased is also married.

4. It is stated that the petitioner's husband is unemployed and they don't have any properties, and that there is no earning member in the family. She sought a compassionate appointment.

5. The 3rd respondent issued proceedings dated 01.12.2021, appointing the petitioner as Junior Assistant, and she was posted to the 5th respondent's dispensary. The said appointment was subject to qualifying in the test, specifically proficiency in office automation, including the use of computers

and associated software, conducted by APPSC or a recruiting agency within two years from the date of joining the service.

6. However, the 3rd respondent issued proceedings dated 30.12.2021 proposing to cancel the appointment order on the ground that the petitioner failed to submit the dependency certificate. Subsequently, vide the impugned proceedings dated 22.01.2022, the application for compassionate appointment was rejected for the reason that, as verified from the dependency certificate submitted by the petitioner, issued by the Mandal Revenue Officer, the petitioner is married and living with her husband. Therefore, she cannot be treated as dependent on her father. Hence, the present writ petition.

7. The 3rd respondent filed a counter affidavit stating that the idea behind issuing a compassionate appointment is to provide relief to the dependents of the deceased employee. It is further stated that the compassionate appointment was rightly rejected by the respondents, as there are no existing guidelines or rules that allow for the appointment of a married daughter. It is further stated that according to the Government Memo dated 20.03.2004, the rules do not permit granting compassionate appointments to married daughters unless they meet the specific dependency. It is also argued that, in the present case, is no longer dependent on her deceased father after her marriage.

8. Sri P.Durga Prasad, the learned counsel for the petitioner relies on the decisions of this Court in W.P.No.16242 of 2013, W.P.No.28931 of 2021, and

W.P.No.11618 of 2023, contends that a married daughter is entitled to seek compassionate appointment. He further argues that the petitioner's elder sister has no objection for granting the compassionate appointment to the petitioner and has provided no objection to the said effect.

9. Considered the rival submission.

10. The distinction sought to be made by the respondents between a married daughter and a son fails the test of reasonableness. Further, the observation made by the respondents that once a daughter gets married, she would no longer be considered a dependent is grossly irrational.

11. In the present case, the petitioner contends that she and her husband do not have a definite source of income. They were highly dependent on her father. Therefore, they approached the respondents seeking a compassionate appointment. Although the respondents initially granted the appointment on compassionate grounds, they later cancelled it upon coming to know that the petitioner is married and is living with her husband. The reason for the cancellation is not sustainable. The impugned order refers to the guidelines/clarifications given by the government for compassionate appointment. According to the petitioner, her case fulfils all the said conditions. However, the respondents, merely considering the petitioner's status as a married person, rejected the application.

12. Having regard to the submissions made and the judgements of this court on the issue, the impugned order is set-aside and the respondents are

directed to issue fresh proceedings pursuant to the proceedings of the 3rd respondent dated 01.12.2021 and 08.12.2021.

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

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date: 29.08.2025
BSK

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 42605 OF 2022

Date: 29.08.2025
BSK