

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1384 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 13/04/2025 in W.P.No.23524 of 2017 on the file of the High Court.

Between:

THE CHIEF EXECUTIVE OFFICER, Zilla Parishad Karimnagar, Telangana State.

.....APPELLANT/RESPONDENT NO.2

AND

1. K SWAMY, S/o late Rajaiah, Aged about 29 years, Occ. Unemployee, R/o.H.No.1-2-52, Gambhiraopet Village and Mandal, Rajanna Siricilla District, erstwhile, Karimnagar District, Telangana State.

.....RESPONDENT/WRIT PETITIONER

2. The State of Telangana, rep by its Principal Secretary, PR and RD Dept. Telangana, Secretariat Buildings, Hyderabad.

.....RESPONDENT/RESPONDENT

I.A.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 suspend the order Dated 30/04/2025 in W.P.No.23524 of 2017 passed by Learned Single Judge of this High Court.

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

Counsel for Respondent No.1 : SRI CH.GANESH

Counsel for Respondent No.2 : Ms. M.SHALINI, G.P FOR SERVICES-II

The Court made the following JUDGMENT : -

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

The Hon'ble The Chief Justice Sri Aparesh Kumar Singh

and

The Hon'ble Sri Justice G.M.Mohiuddin

Writ Appeal No.1384 of 2025

Dated: 05.01.2026

Between:

The Chief Executive Officer
Zilla Parishad, Karimnagar,
Telangana

...Petitioner

and

K.Swamy
S/o late Rajaiah

...Respondent

Judgment:

Heard Mr. K.Pradeep Reddy, learned counsel for the appellant; Mr. Ch.Ganesh, learned counsel appearing for respondent No.1/writ petitioner and Ms. M.Shalini, learned Government Pleader for Services-II appearing for respondent No.2.

2. Appellant – Chief Executive Officer, Zilla Parishad, Karimnagar District, is respondent No.2 in the Writ Petition. Respondent No.1/writ petitioner is the son of late Rajaiah, who passed away on 04.08.2016 while working as part time sweeper under the control of Zilla Praja Parishad, Karimnagar District.

3. Respondent No.1 filed Writ Petition No.23524 of 2017 with a prayer that the action of the appellant and respondent No.2 herein in rejecting his application for appointment on compassionate grounds *vide* order dated 16.05.2017, ignoring the judgment of the Division Bench of this Court in W.P.No.5916 of 2011 dated 06.12.2012, as confirmed by the Supreme Court in S.L.P.(Civil).No.15595 of 2015 dated 14.05.2015 and the service certificate issued by the Headmaster dated 30.07.2016, as illegal, arbitrary and unconstitutional. He 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. 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 father of respondent No.1 was not appointed prior to the effective date *i.e.*, 25.11.1993 nor completed ten

(10) years of 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.

5. 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 dated 06.12.2012, 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 that 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.

6. 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 father of respondent No.1 herein was similar to that of respondent Nos.1 to 4 therein. Therefore, upon regularization of services of his father, respondent No.1 is entitled to compassionate appointment as he had died in harness.

7. We have considered the submissions of learned counsel for the parties and taken note of the relevant pleadings referred to hereinabove.

8. The case of the father 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 17.02.1988 and he had not completed ten (10) years continuous service prior to 25.11.1993. He had expired on 04.08.2016. The appellant therefore refused to allow the claim of respondent No.1 for regularization of services of his father. The order of rejection contains valid reasons for rejection of the claim of regularization of the services of the father of respondent No.1. Regularization of the services of the father 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 his father, a 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.

9. Accordingly, Order dated 30.04.2025, passed in W.P.No.23524 of 2017, 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.

//TRUE COPY//

SD/-I.NAGA LAKSHMI
JOINT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, PR and RD Dept. Telangana, Secretariat Buildings, State of Telangana at Hyderabad.
2. Two CC's to G.P FOR SERVICES-II, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to SRI PRADEEP REDDY KATTA (SC FOR TG ZILLA PARISHAD) Advocate [OPUC]
4. One CC to SRI CH.GANESH, Advocate [OPUC]
5. Two CD Copies

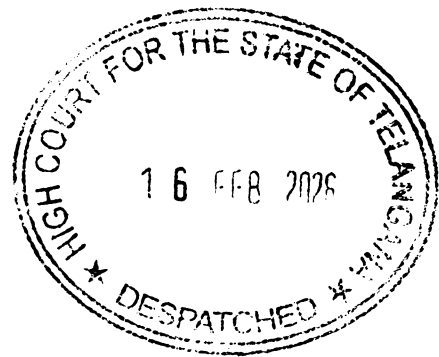
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PMK



HIGH COURT

DATED:05/01/2026



JUDGMENT

WA.No.1384 of 2025

**ALLOWING THE W.A
WITHOUT COSTS.**

⑧NT
2/2/26