

**\* THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION No.6472 of 2025**

% 08.04.2026

# Gogutattu Sujana, D/o. Gogutattu  
Penchalaiah, Hindu, Aged about 31 years,  
R/o Pennepalli Village, Pellakur Mandal,  
Tirupathi District. .... Petitioner

Versus

\$ The State of Andhra Pradesh, Rep. by  
its Principal Secretary, General Administration  
Department, Secretariat Buildings, Velagapudi,  
Guntur District & 5 others. .... Respondents

! Counsel for the Petitioner : M/s. Mallavolu Kavitha

! Counsel for the Respondents : 1) GP for Panchayat Raj & Rural  
Development  
2) GP for Services-I  
3) GP for Services-II  
4) Addl. Advocate General

< Gist:

> Head Note:

? Cases referred:

- 1) (2024) 1 APLR 503
- 2) 1994 (4) SCC 138
- 3) (2004) 7 SCC 271
- 4) (2004) 7 SCC 265
- 5) (2007) 4 SCC 778
- 6) (2008) 11 SCC 384
- 7) (2012) 11 SCC 307
- 8) (2014) 15 SCC 739
- 9) 2025 LiveLaw SC 187

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DATE OF ORDER PRONOUNCED: 08.04.2026

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**

- |                                                                           |        |
|---------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local Newspapers may be allowed to see the Order? | Yes/No |
| 2. Whether the copies of Order may be marked to Law Reporters/Journals?   | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Order?         | Yes/No |

**NYAPATHY VIJAY, J**

Reserved on : 08.01.2026  
Pronounced on : 08.04.2026  
Uploaded on : 08.04.2026

APHC010123052025



**IN THE HIGH COURT OF ANDHRA PRADESH**  
**AT AMARAVATI** [3460]  
**(Special Original Jurisdiction)**

WEDNESDAY, THE EIGHTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION NO: 6472/2025**

**Between:**

1. GOGUTATTU SUJANA, D/O. GOGUTATTU PENCHALAI AH,  
HINDU, AGED ABOUT 31 YEARS, R//O. PENNEPALLI  
(VILLAGE), PELLAKUR MANDAL, TIRUPATHI DISTRICT.

**...PETITIONER**

**AND**

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY,  
GENERAL ADMINISTRATION DEPARTMENT,  
SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR  
DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS  
PRINCIPAL SECRETARY, EDUCATION DEPARTMENT,  
SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR  
DISTRICT.

3. THE STATE OF ANDHRA PRADESH, REP. BY ITS  
PRINCIPAL SECRETARY, PANCHAYAT RAJ  
DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,  
GUNTUR DISTRICT.

4.THE DISTRICT EDUCATIONAL OFFICER, NELLORE, NELLORE DISTRICT.

5.THE ZILLA PRAJA PARISHAD, REP. BY ITS CHIEF EXECUTIVE OFFICER. NELLORE.

**...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 to issue a writ, order or a direction, more particularly one in the nature of WRIT OF MANDAMUS to

a) Declare the inaction of the Respondent No.5 as illegal, arbitrary and violative Articles 14, 15, 16 and 19 of the Constitution of India and Scheme of appointment of family member of the deceased employee on compassionate ground under Government Order, clarifying by issuing Government Order and Government Memos, from time to time issued by the Government of Andhra Pradesh

b) Direct the Respondent No. 5 to consider my application for appointment to any suitable post on compassionate grounds keeping in view the law laid down by the Honble High Court of Andhra Pradesh in various judgments and G.O.Ms.No.350, General Administration (Ser.A) Department dated 30-07-1999 and Clarification Memo No.116417/Ser.A/2003-1, General Administration (Ser.A) Department, dated 08-10-2003 and to pass such other order.

**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 direct the Respondent No. 5 to dispose of the application dated 21- 01-2023 keeping in view the law

laid down by the Hon'ble High Court of Andhra Pradesh in various judgments and G.O.Ms. No. 350 General Administration (Ser.A) Department dated 30-07-1999 and Clarification Memo No.116417/Ser.A/2003-1, General Administration (Ser.A) Department, dated 08-10-2003 as expeditiously as possible fixing time frame pending disposal of the writ petition pending disposal of the above writ petition and to pass such other order.

**IA NO: 1 OF 2026**

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 May be pleased to grant leave for filing counter affidavit in the W.P.No.6472 of 2025 and pass

**Counsel for the Petitioner:**

1.MALLAVOLU NIKITHA

**Counsel for the Respondent(S):**

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR SERVICES I

3.GP FOR SERVICES II

4.ADDL ADVOCATE GENERAL

**The Court made the following:**

**THE HON'BLE SRI JUSTICE NYAPATHY VIJAY****WRIT PETITION No.6472 of 2025****ORDER:**

1. The present Writ Petition is filed by the Petitioner seeking for appointment on compassionate grounds.

2. The brief facts are as follows;

The father of the Petitioner by name Gogutattu Penchalaiah while working as Library Assistant had died intestate on 20.12.2022 due to ill-health. The mother of the Petitioner predeceased her father. The Petitioner being the only daughter was married prior to the death of her father.

3. It is stated that the Petitioner and her husband were unemployed and were dependent on the salary of the Petitioner's father. In the writ affidavit reliance was placed on G.O.Ms.No.612, General Administration (Ser.A) Department, dated 30.10.1991, G.O.Ms.No.687, General Administration (Ser.A) Department, dated 03.10.1977 and G.O.Ms.No.350, General Administration (Ser.A) Department, dated 30.07.1999, which enabled consideration of married daughters for appointments on compassionate grounds.

4. Reliance was also placed on the decision of this Court in **Ch. Damayanthi v. APSRTC** (W.P.No.10340 of 2014, dated 26.02.2021) and similar Judgments in **Bagavthula Bala Tripura Sundari v. The State of Andhra Pradesh<sup>1</sup>**, **N. Sujana K. Sujana v. The State of Andhra Pradesh [W.P.No.14248 of 2021 dated 29.07.2022]** and **Katika Prameela v. The State of Andhra Pradesh [W.P.No.26946 of 2021 dated 25.02.2022]**.

5. In the Counter-Affidavit filed by Respondent No.1-State, it is stated that compassionate appointment is not a right, but only to enable financial distress caused to the family. It is stated that the Government had issued G.O.Ms.No.114, General Administration (Ser.A) Department, dated 21.08.2017 enhancing the *ex-gratia* amount payable to the dependents instead of compassionate appointment. As per the said G.O., the dependents of Class-IV employees are granted an amount of Rs.5,00,000/-, while the dependents of Non-Gazetted Officers and Gazetted Officers are granted amounts of Rs.8,00,000/- and Rs.10,00,000/- respectively.

6. It is further stated that though there is no bar for a married daughter to be considered for appointment on compassionate grounds, the same is subject to establishing that the married

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<sup>1</sup>(2024) 1 APLR 503

daughter was dependent on the deceased Government Servant even after her marriage. It is stated that in the present case, no such proof is filed to establish the said fact.

7. Learned counsel for the Petitioner, Ms. M. Nikitha would submit that a sympathetic view ought to be taken vis-à-vis considering the object and purpose of compassionate appointments. The learned counsel relied on the decision of this Court in ***Ch. Damayanthi*** (referred supra) in support of her contention that the married daughters are entitled for compassionate appointment.

8. Sri Keerthi Teja Kondaveeti, learned Special Government Pleader attached to the Office of the Additional Advocate General would submit that the Petitioner could not establish dependency and no particulars of her husband were mentioned. It is stated that the date of marriage was also not mentioned in the writ affidavit or any documents establishing proof of residence along with the deceased father were filed by the Petitioner and therefore, the Petitioner is not entitled for being considered for appointment on compassionate grounds.

9. Heard Ms. M. Nikitha, learned counsel for the Petitioner and Sri Keerthi Teja Kondaveeti, learned Special Government Pleader attached to the Office of the Additional Advocate General appearing for the Respondents.

10. This Court on 01.09.2025, considering the numerous claims for compassionate appointment, had sought information regarding the number of appointments made on compassionate grounds in various Departments in the State, including the State-owned Corporations.

11. Along with the Counter-Affidavit, a letter addressed by the Special Chief Secretary to the Government, General Administration (Ser. & HRM) Department, Government of Andhra Pradesh to the Additional Advocate General *vide* Letter No.2975318/Ser.B/A1/2025, dated 06.01.2026 was filed.

12. As per the said letter, the information could be procured from 02.06.2014 till date, and the letter further states that a total of 20,801 compassionate appointments have been made in Andhra Pradesh Secretariats in all Head of Departments and all the Head of Government PSUs/Corporations/Societies. Out of which, in respect of HoDs 19,194 have continued in service and 188 have

retired/resigned/removed and in respect of PSUs/Corporations, 1,411 have continued in service and 8 have retired/resigned/removed and a list was enclosed along with the letter. The relevant portion of the letter is extracted below;

*“3. In the above regard, I have to inform that, as on today, data has been received that a total of around **20,801 compassionate appointments have been made in AP Secretariat in all Head of Departments & all the Head of Government PSUs/Corporations/Societies.** Of which, in respect of the HoDs: 19,194 have continued in service and 188 have since retired/resigned/removed (Total: 19,382) and in respect of the PSUs/Corporations: 1,411 have continued in service and 8 have since retired/resigned/removed (Total: 1419). The list is enclosed herewith.”*

13. The number of appointments referred above are staggering. Compassionate appointments are held to be an exception to this rule of equal opportunity in public employment considering that the same is only to overcome the financial distress of the family of the deceased.

14. The figure of **20,801**, compassionate appointments **since 02.06.2014** i.e., date of bifurcation of the State mentioned in the letter of the Special Chief Secretary to the Government, is startling and apparently, the so-called '*exception*' to the equality in public employment has become the new normal. The compassionate appointments since 02.06.2014 @ nearly 2000 appointments per year (from 2014-2025), appears to be virtually at par or in excess of direct recruitment through public notification by the State. In other words, **20,801** times, the fundamental right of equality in employment under Article 16 of the Constitution was violated by the stakeholders, in the name of "*exception*".

15. It is to be noted that there are countless educated youth waiting in silence for years with a hope to get public employment and their hope is being nipped by indiscriminate compassionate appointments, on the perceived financial distress of the family of the deceased Government employee. The unemployed educated youth, whose families have never seen public employment also have many distressing and heart breaking stories to tell, for seeking public employment, but they do not have any platform to express unlike the persons claiming compassionate appointments. Excessive and exaggerated compassion shown to the family of the deceased by all

the stakeholders is virtually showing no compassion to the educated youth hoping for employment. It must be remembered in this connection that as against the destitute family of the deceased, there are millions of other families, which are equally, if not more destitute.

16. Among the 20,801 appointees, it would not be surprising to see third-generation compassionate appointees in the list. It is to be noted that there is no check on the competency of individuals appointed on compassionate grounds, except for the eligibility criteria. The number of compassionate appointments reflects the gap between reality and the stakeholders' ability to exploit the procedure on exaggerated sympathy.

17. The exaggerated compassionate appointments over a period of time came to light only through statistical data furnished to the Court. From time to time, the statistical data procured, same would shed light on the correctness of the principles being followed and play a vital role in administration to uncover patterns. The statistical data on relevant issues would help the Courts to give apt directions and also make course corrections.

18. ***The way forward:*** The two fundamental requirements for appointment on compassionate basis are “***dependency***” and “***financial indigency***” of the dependents. With passage of time, the dependents have expanded only for the purpose of compassionate appointment and vasudaiva kutumbham of the deceased are claiming compassionate appointments as dependents i.e., from brothers, sisters, nephews, nieces, etc., In claiming compassionate appointment as a “***dependent***”, strict parameters must be determined.

19. In the opinion of this Court, the “***dependent***” should mean only those, the deceased Government employee was obligated under law to maintain and attend to their welfare i.e., wife, son, daughter and parents. If the obligation under law to maintain and attend to the welfare is not a pre-condition, then all and sundry can claim compassionate appointment claiming that they are dependent. The benevolence of the deceased Government employee in maintaining and attending to the needs of persons other than the “*immediate family*” would not confer upon them any right to seek for compassionate appointments.

20. The **“financial indigency”**, of the deceased family is an absolute pre-requisite before offering appointments on compassionate grounds as held by the Hon’ble Supreme Court in **Umesh kumar Nagpal v. State of Haryana<sup>2</sup>** . The relevant portion of the Judgment reads as under;

*“2....As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependents of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the*

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<sup>2</sup> 1994 (4) SCC 138

***sudden crisis. The object is not to give a member of such a family a post much less a post for a post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such a source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family.”***

21. Pursuant to these observations, schemes were formulated by some of the institutions factoring family pension, gratuity, provident fund, number of dependents etc., paid to the family apart from the assets of the family in determining the “*financial indigency*” of the family of the deceased. Such determinations were held to be valid by the Hon’ble Supreme Court in ***General Manager (D&PB) v. Kunti Tiwary***<sup>3</sup>, ***Punjab National Bank v. Ashwani Kumar Taneja***<sup>4</sup>, ***State Bank of India v. Somvir Singh***<sup>5</sup>, ***Mumtaz Yunus Mulani v. State of Maharashtra***<sup>6</sup>, ***Union of India v. Shashank Goswami***<sup>7</sup> and ***State Bank of India v. Surya Narain Tripathi***<sup>8</sup>.

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<sup>3</sup> 2004) 7 SCC 271

<sup>4</sup> (2004) 7 SCC 265

<sup>5</sup> (2007) 4 SCC 778

<sup>6</sup> (2008) 11 SCC 384

22. In the State *of H.P. v. Shashi Kumar* the issue whether the terminal benefits should not be taken into consideration for compassionate appointment was again examined by the Hon'ble Supreme Court. In the said case, the Himachal Pradesh High Court gave directions to consider appointments on compassionate grounds without reference to terminal benefits. After referring to the above-mentioned case law, it was held that a compassionate appointment need not be offered, if the employer can point out that adequate financial arrangement inclusive of the terminal benefits were made to the family of the deceased. The relevant portion of the order is extracted below;

*“9. In all the matters of compassionate appointment it must be noticed that it is basically a way out for the family which is financially in difficulties on account of the death of the bread earner. It is not an avenue for regular employment as such. This is in fact an exception to the provisions under Article 16 of the Constitution. **That being so, if an employer points out that the financial arrangement made for the family subsequent to the death of the employee is adequate, the members of the family cannot insist that one of them ought to be provided a comparable appointment.**”*

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<sup>7</sup> (2012) 11 SCC 307

<sup>8</sup> (2014) 15 SCC 739

23. In **Canara Bank Vs Ajithkumar G.K.**<sup>9</sup> after considering the entire gamut of case law on this aspect, held at paragraph 29 that for considering a claim for compassionate appointment, the financial condition of the family should be penurious and below poverty line. The relevant portion is extracted below;

***“The underlying idea behind compassionate appointment in death-in-harness cases appears to be that the premature and unexpected passing away of the employee, who was the only bread earner for the family, leaves the family members in such penurious condition that but for an appointment on compassionate ground, they may not survive. There cannot be a straitjacket formula applicable uniformly to all cases of employees dying-in-harness which would warrant appointment on compassionate grounds. Each case has its own peculiar features and is required to be dealt with bearing in mind the financial condition of the family. It is only in “hand-to-mouth” cases that a claim for compassionate appointment ought to be considered and granted, if at all other conditions are satisfied. Such “hand-to-mouth” cases would include cases where the family of the deceased is ‘below poverty line’ and struggling to pay basic expenses such as food, rent, utilities, etc., arising out of lack of any steady source of sustenance. This has to be distinguished from a mere fall in standard of life arising out of the death of the bread earner.”***

24. In the event, the financial arrangement made is insufficient i.e., below the minimum benchmark to be fixed, the State Government ought to come up with an offer of ex-gratia amount to

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<sup>9</sup> 2025 Livelaw SC 187

the deceased family to mitigate the immediate financial requirements of the family, instead of compassionate appointments and the same would suffice. This ex-gratia amount could also be extended to families to whom benchmark financial arrangement is made, depending on peculiar family scenario. Such an offer would ameliorate the immediate requirement of finances for the deceased family and the foundational requirement of providing compassionate appointment i.e., to overcome the loss of breadwinner would stand redressed.

25. The ex-gratia amount should not be fixated as in the G.O.Ms.No.114, General Administration (Services-A) Department, dated 21.08.2017 as that would not factor the rise in cost of living over the years. Therefore, the ex-gratia amount should be based on a formula which is dependent on the salary and the number of years of remaining service of the deceased employee.

26. In spite of the above, the stakeholders still think that the deceased family deserves employment to mitigate the peculiar family difficulties and as a special case, the eligible dependent could be considered for employment temporarily on an outsourced basis for a limited time period. Such an approach would sub-serve the peculiar difficulties, rather than providing regular employment de hors

the competency of the individual and the selection process. The same would also aid in preventing the violation of the fundamental right of equality and equality in employment.

27. It is to be noted that thousands of persons across the State are being recruited on contractual, temporary and also on outsourcing basis and a Corporation (APCOS) was incorporated for the said purpose. The eligible dependents cannot claim any better right than the persons appointed under outsourcing basis for regular employment. The regular employment on compassionate grounds should be an exception in exceptional cases and this is left to the discretion of the State Government.

28. The above observations may look harsh, but in matters of public employment, the welfare of the public should be paramount. The maxim "***Salus Populi Est Suprema lex***" is apt in this context, that is the welfare of the people is the supreme law. The greater good of the greater number and the benefit and happiness of all are the objects and the authorities of the State are to act in furtherance of the same. The maxim is referred to in Broom's legal maxims as a fundamental or the first principles of law founded on public policy.

29. In the light of the above, the Writ Petition is disposed of, with following directions:

(i) The State Government shall re-draft the guidelines for compassionate appointment defining dependent's financial capacity, ex-gratia compensation in lieu of compassionate appointment and employment on outsourcing basis/temporary basis/contractual basis taking notice of the Judgments of the Hon'ble Supreme Court referred above, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order;

(ii) Thereafter, the case of the Petitioner to be considered in terms of the re-drafted guidelines;

(ii) No order as to costs.

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

31. The Registry is directed to mark a copy of this Order to the Principal Secretary, General Administration Department, Secretariat Buildings, Velagapudi, Guntur district.

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**NYAPATHY VIJAY, J**

Date: 08.04.2026

Note: *L.R. Copy be marked.*

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**HON'BLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION No.6472 of 2025**

**Date: 08.04.2026**

Note: *L.R. Copy be marked.*

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